TABLE OF CONTENTS

FO 2570670

TABLE OF CONTENTS

FO 2570670

EXHIBITS

A One (1) CD containing Los Angeles County Sheriff's Department Incident Report, documented under URN 923-00760-0279-091, and its supplemental reports.

B One (1) USB Flash Drive containing the body-worn camera footage of the involved employees and witnesses; Radio traffic; Scene Photographs and Videos; and Photographs of Suspect Eli Matthews, Booking #6536190.

C One (1) CD containing the body-worn camera footage of the seven (7) interviews conducted by Sergeant Alvarez.

MISCELLANEOUS DOCUMENTS

Incident History for Incident ELA23017-0064

Taser Information Report, Model Taser X26, Serial number [redacted]



Booking Packet for Suspect Eli Matthews, including the Ok to Book Medical Records, dated January 17, 2023

Consolidated Criminal History Reporting System record for Suspect Eli Matthews, printed June 5, 2023

Superior Court of California, County of Los Angeles Minute Order, court case number BA512090

Peace Officer Standards and Training Confidential Profile Report

- Deputy [redacted]
- Deputy [redacted]
- Deputy [redacted]
- Deputy [redacted]
- Deputy Jaime Romero

Nine (9) signed Administrative Rights Force/Shooting Investigation Forms

East Los Angeles Station – AM In-Service, dated January 17, 2023

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 923-00760-0279-091 | Date: 01/17/23 | Time: 0838 hrs

Location: [redacted] Whittier Boulevard | City or Station: Los Angeles

Bureau/Station/Facility: East Los Angeles Station | Admin. Investigation: ○ YES ◉ NO

Type of Force: Personal Weapons/Less Lethal Impact Round/Taser/Team Takedown/Restraint Device

Incident Category: ○1 ○2 ◉3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ◉ YES ○ NO

☒ Call ☐ Observation ☐ Detail ☒ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉ YES ○ NO | Person Notified: Lt. Raymond Jones | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I.: [redacted] | Rank: DSG

Sex: ◉ M ○ F | Race: H | Height: 508 | Weight: 190 | Age: 40 | Shift: ○ EM ◉ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: EAST LOS ANGELES STATION | Work Assignment (Unit #, Module, etc.): 23

Individual Force Used: Control Techniques/Team Takedown | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ◉1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I.: [redacted] | Rank: DSG

Sex: ◉ M ○ F | Race: H | Height: 511 | Weight: 240 | Age: | Shift: ○ EM ◉ Day ○ PM | ○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: EAST LOS ANGELES STATION | Work Assignment (Unit #, Module, etc.): 23

Individual Force Used: Taser/Control Techniques | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ◉1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E3

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I.: [redacted] | Rank: DSG

Sex: ◉ M ○ F | Race: H | Height: 508 | Weight: 230 | Age: 42 | Shift: ○ EM ◉ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: EAST LOS ANGELES STATION | Work Assignment (Unit #, Module, etc.): 24

Individual Force Used: Less Lethal Impact Round/Control Techniques/Restraint D | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ◉1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Alvarez	George		SGT	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	McKelvy	Ermina	L	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Jones	Raymond		LT

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

9 2 3 - 0 0 7 6 0 - 0 2 7 9 - 0 9 1

Involved Employee

E4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	508	150	[redacted]	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
East Los Angeles	22

Individual Force Used		Individual Category
Team Takedown/Control Techniques	(●) Directed ( ) Rescue ( ) Medical Assist	(●) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility:		Coroner Case #

E5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Romero	Jaime		DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	511	195	37	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
East Los Angeles	28

Individual Force Used		Individual Category
Personal Weapons (Hands)/Control Techniques/Restraint	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3
☐ Injured ☐ Treated ☐ Admitted Facility:		Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility:		Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility:		Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility:		Coroner Case #

Supervisor's Report on Use of Force
SUSPECT INFORMATION

923 - 00760 - 0279 - 091

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Matthews	Eli	Kim	Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	B	26	508	240	10/30/96	None Given	

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 6536190 | Primary Charge Code: 69PC | Secondary Charge Code: 69 PC | [X] Criminal History

Treated on Scene? (●) YES ○ NO | Name: LACoFD | Unit: 3 | Phone #: 3232694124

Hospital Admission? [ ] | Rec'd Treatment At: LACUSC | Coroner Case #: | Mental History [X] User's guide provides direction on this entry

By: Hsu, Sarah | Address: 1200 North State Street, LA 90033 | Phone #: 3234091000

Under Influence: (●) YES ○ NO | Substance: Opiate | 5150 a factor in force? ○ YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 01/17/2023 | Time: 2152 | [X] Audiotape: | [ ] Videotape: | [X] Photos of Injuries: | [X] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B.: | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B.: | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

923 - 00760 - 0279 - 091

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name	
[redacted]	Alvarez	George	D	
Unit of Assignment: East Los Angeles	**Work Assignment (Unit #, Module, etc.):** 20S	**Shift:** ○ EM ● Day ○ PM	● Regular ○ OT ○ Off Duty	
[redacted]	Ruiz	Hilda	NMN	
Unit of Assignment: East Los Angeles	**Work Assignment (Unit #, Module, etc.):** 21	**Shift:** ○ EM ● Day ○ PM	○ Regular ● OT ○ Off Duty	
[redacted]	Peralta	Enrique	NMN	
Unit of Assignment: East Los Angeles	**Work Assignment (Unit #, Module, etc.):** 27T	**Shift:** ● EM ○ Day ○ PM	● Regular ○ OT ○ Off Duty	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**

☐ Additional Witness

Supervisor's Report on Use of Force
923-00760-0279-091

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Matthews	S#1	[redacted]	E#1	UC	NN	NN
Matthews	S#1		E#1	HR	NN	NN
Matthews	S#1		E#1	PH	NN	NN
Matthews	S#1		E#1	RS	NN	NN
Matthews	S#1	Romero	E#5	PK	NN	NN
[redacted]	E#1	Matthews	S#1	CT	NN	NN
	E#1	Matthews	S#1	TT	NN	NN
	E#2	Matthews	S#1	TR	PW	LE
	E#2	Matthews	S#1	TT	NN	NN
	E#3	Matthews	S#1	IR	BR	AD
	E#3	Matthews	S#1	CT	NN	NN
	E#3	Matthews	S#1	RH	NN	NN
	E#4	Matthews	S#1	TT	NN	NN
	E#4	Matthews	S#1	CT	NN	NN
Romero	E#5	Matthews	S#1	PH	FR	FA
Romero	E#5	Matthews	S#1	RH	NN	NN
Romero	E#5	Matthews	S#1	CT	NN	NN

Los Angeles County Sheriff's Department

FOOT PURSUIT EVALUATION FORM

DATE: 01/17/23 TIME: 0838 hrs UNIT NAME: East Los Angeles Station URN: 923-00760-0279-091

LOCATION: [redacted] Whittier Boulevard, Los Angeles DURATION OF FOOT PURSUIT IN MIN/SECS: ____

REASON PURSUIT INITIATED: FELONY - PROPERTY PURSUIT REASON SUSPECTED: ☐

IF FOOT PURSUIT WAS TERMINATED, THEN BY WHOM: SELF-INITIATED

PREDOMINATE LIGHTING CONDITIONS: DIM INTERIOR LIGHTING NUMBER OF SUSPS. CHASED : 1

CHECK ALL THAT APPLY

- ☐ POLICY ISSUES
- ☑ FIELD SGT. ACK/RESPOND
- ☑ IMMEDIATE BROADCAST
- ☑ CONTAINMENT
- ☑ AERO RESPONDED
- ☐ CANINE REQUESTED
- ☐ CANINE DEPLOYED
- ☑ IAB NOTIFIED
- ☑ IAB RESPONDED

DEPUTY(S) INFORMATION

DEPUTY #1: [redacted] EMPLOYEE #: [redacted] UOA: East Los Angeles Station
INJURY: NONE INJURED: ____

DEPUTY #2: Ruiz, Hilda EMPLOYEE #: [redacted] UOA: East Los Angeles Station
INJURY: NONE INJURED: ____

DEPUTY #3: [redacted] EMPLOYEE #: [redacted] UOA: East Los Angeles Station
INJURY: NONE INJURED: ____

DEPUTY #4: ____ EMPLOYEE #: ____ UOA: ____
INJURY: ____ INJURED: ____

DEPUTY #5: ____ EMPLOYEE #: ____ UOA: ____
INJURY: ____ INJURED: ____

SUSPECT(S) INFORMATION

SUSPECT #1: Matthews, Eli CAPTURED WITHIN: GREATER THAN 300 FEET ARMED: SUSPECT NOT ARMED
FORCE USED: NONE PAROLEE ☐ GANG MEMBER ☐ DRUG/ALCOHOL ☐
ARREST CHARGES: 69PC, 69PC, 10851(A) VC

SUSPECT #2: ____ CAPTURED WITHIN: ____ ARMED: ____
FORCE USED: ____ PAROLEE ☐ GANG MEMBER ☐ DRUG/ALCOHOL ☐
ARREST CHARGES: ____

SUSPECT #3: ____ CAPTURED WITHIN: ____ ARMED: ____
FORCE USED: ____ PAROLEE ☐ GANG MEMBER ☐ DRUG/ALCOHOL ☐
ARREST CHARGES: ____

SUSPECT #4: ____ CAPTURED WITHIN: ____ ARMED: ____
FORCE USED: ____ PAROLEE ☐ GANG MEMBER ☐ DRUG/ALCOHOL ☐
ARREST CHARGES: ____

SUSPECT #5: ____ CAPTURED WITHIN: ____ ARMED: ____
FORCE USED: ____ PAROLEE ☐ GANG MEMBER ☐ DRUG/ALCOHOL ☐
ARREST CHARGES: ____

FOOT PURSUIT EVALUATION FORM

TRAINING QUESTIONS

(Additional comments or training suggestions shall be placed on a continuation form)

Describe tactics used during the operation:

Will be discussed during EFRC.

Could the tactics that were used, be improved upon?

Will be discussed during EFRC.

Could there have been other tactics for this particular operation?

Will be discussed during EFRC.

ALL PERSONS INVOLVED WITH THIS INCIDENT SHALL BE DEBRIEFED OF THE INFORMATION CONTAINED ON THIS FORM.

Debriefing Date: 01/17/2023 Conducted By: Sergeant Alvarez

Supervisor Completing Form: Sergeant Ermina McKelvy Employee #: [redacted]

Watch Commander's Signature: ______________ Employee #: ______________

Unit Commander's Signature: ______________ Employee #: ______________ Date Signed: ______________

Disposition:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category 3 Use of Force / Left Orbital Fracture**
IAB FILE NUMBER:	**FO 2570670**
URN#:	**923-00760-0279-091**
DIVISION / UNIT:	**Central Patrol Division / East Los Angeles Station**
DATE / TIME:	**Tuesday, January 17, 2023 / 0838 hours**
LOCATION:	[redacted] **Whitter Boulevard, Los Angeles**

SYNOPSIS

On Tuesday, January 17, 2023, an Internal Affairs Bureau (IAB) Force/Shooting Response Team, comprised of Lieutenant Raymond Jones, Sergeant Ermina McKelvy, and Sergeant Argelia Huerta, responded to East Los Angeles Station (ELA) regarding a Category 3 use of force incident involving Suspect Eli Matthews.

Suspect Matthews was a named suspect in a stolen vehicle report **[Exhibit A, Reports, Original Incident Report]**. To avoid apprehension, Suspect Matthews locked himself in an office closet of the apartment complex where his [redacted] lived. Suspect Matthews was forcibly removed from the closet by ELA deputies under the direction of Sergeant George Alvarez, [redacted] The use of force was captured on the deputies' body-worn cameras (BWC) **[Exhibit B, UOF]** as well as the apartment complex' closed-circuit television (CCTV) **[Exhibit B, Hallway_Camera_Video]**. The incident was documented under Uniform Report Number 923-00760-0279-091 **[Exhibit A]**.

> **IAB Note:** **Sergeant Alvarez** [redacted] **This case review will refer to Lieutenant Alvarez as Sergeant Alvarez to reflect his rank during this incident.**

SUMMARY

On January 17, 2023, ELA Deputies [redacted] and [redacted] Unit 23, responded to [redacted] Whittier Boulevard, Los Angeles regarding a see the woman call. The informant stated her [redacted] Suspect Matthews, returned her vehicle which she

reported stolen the night before, incident history report ELA23017-0064 **[Miscellaneous Documents]**.

Deputies [redacted] and [redacted] contacted the informant, [redacted] who was desirous of prosecution for her vehicle being stolen. [redacted] stated Suspect Matthews was somewhere within the apartment complex. Deputy [redacted] requested additional units to the apartment complex to locate Suspect Matthews. Sergeant Alvarez, Deputy [redacted] Deputy [redacted] Deputy Jaime Romero, Deputy Hilda Ruiz, Detective Xavier Zeas, Deputy Enrique Peralta, and Deputy Jennifer Romero responded to the apartment complex.

The responding personnel arrived and positioned themselves in and around the apartment complex. Detective Zeas observed Suspect Matthews hiding behind an air conditioning unit near the northeast corner of the complex. Detective Zeas held Suspect Matthews at gunpoint and used his handheld radio to advise deputy personnel he had located the suspect. Additional personnel arrived and Suspect Matthews was given commands surrender which he refused to adhere to. Suspect Matthews ran toward the open, automatic gate which led into the parking area of the complex. The gate closed behind Suspect Matthews and deputies lost observation as he travelled through the parking garage.

Personnel continued their search for Suspect Matthews as he traversed throughout the complex. Aero Bureau was overhead and advised personnel that Suspect Matthews ran south through the courtyard and out of view. [redacted] an [redacted] of the complex, contacted personnel and advised them there was a closet inside [redacted] office that was locked. [redacted] said when she left [redacted] office to open the garage gate for the deputies, the closet door was open. When she returned to [redacted] office, the door was closed and locked.

Sergeant Alvarez and deputy personnel entered the office and called out for Suspect Matthews to ascertain if he was in the closet. Personnel heard movement inside the closet and formed the opinion Suspect Matthews was inside. Sergeant Alvarez communicated with Suspect Matthews through the closed door. Suspect Matthews spoke incoherently and stated he was the owner of the complex and deputy personnel had no right to be there. Suspect Matthews threatened to use a broom inside the closet to fight with the deputies if they opened the door.

Sergeant Alvarez requested the response of the Mental Evaluation Team (MET). Sergeant Alvarez also requested Los Angeles County Fire Department (LACoFD) personnel to standby in the event the incident ended in a use of force. LACoFD Engine 3 personnel arrived under the supervision of Captain Boulware and staged just outside the building.

MET Deputy Juan Perez, and Department of Mental Health Clinician [redacted] arrived within approximately 20 minutes of the request. Deputy Perez spent approximately 30 minutes in an attempt to de-escalate the situation and to convince

Suspect Matthews to exit out of the closet. While speaking with Deputy Perez, Suspect Matthews revealed he had a [redacted] and an [redacted]. Deputy Perez advised Sergeant Alvarez that Suspect Matthews was not in the right state of mind, and Suspect Matthews armed himself with a broom **[Exhibit A, Report, MET Deputy Perez]**. Suspect Matthews told Deputy Perez the deputies were going to have to use force to remove him from the closet.

[redacted] advised Suspect Matthews was diagnosed as [redacted] and [redacted] and Suspect Matthews had not taken his [redacted] Deputy [redacted] asked [redacted] to speak to Suspect Matthews in hopes she could convince him to exit out of the closet. While Suspect Matthews spoke with [redacted] his demeanor became increasingly hostile. [redacted] warned Suspect Matthews that if he did not exit out of the closet, the deputies were going to use force to remove him. Suspect Matthews yelled out, "They're not gonna do a motherfucking thing! This is my building! What do you not understand! I own it!" **[Exhibit B, [redacted]_Arrival_10-33_911B_Informant, 18:46]**. Suspect Matthews stated the deputies had no right to chase him because his vehicle was downstairs. Suspect Matthews refused to exit out of the closet.

Suspect Matthews' physical and [redacted] caused concern for Sergeant Alvarez. Sergeant Alvarez and Deputy [redacted] formulated a tactical plan to remove Suspect Matthews from the closet; Deputy [redacted] was assigned the 40mm baton launcher, Deputy [redacted] was assigned to the X-26 Taser, Deputies [redacted] and Jamie Romero were assigned as capture deputies, and Deputy Ruiz would handle radio communications. None of the deputies were designated to use lethal force.

After one final failed attempt to gain the compliance of Suspect Matthews, Sergeant Alvarez directed Deputy [redacted] to open the closet door. Suspect Matthews held onto the door from the inside of the closet. Through the strength of Deputies [redacted] and Jaime Romero, Suspect Matthews' hold on the door was overpowered. Deputy [redacted] held the door open as Deputy [redacted] ordered Suspect Matthews to exit out of the closet. Suspect Matthews repeatedly told deputy personnel not to touch him. Suspect Matthews refused to voluntarily exit the closet and held a cell phone and allegedly recorded the interaction with the deputies.

IAB Note: IAB investigators were unable to confirm or deny if Suspect Matthews recorded the incident on his cell phone.

While in the closet, there was a broom within Suspect Matthews' reach. In fear Suspect Matthews would use the broom to attack deputy personnel, Sergeant Alvarez ordered Deputy [redacted] to fire one round from the 40mm baton launcher at Suspect Matthews. Deputy [redacted] launched one round from approximately three feet away from Suspect Matthews. The round had no effect on Suspect Matthews, and he refused to exit the closet. Continued commands were given to Suspect Matthews, but he would not comply. Sergeant Alvarez ordered Deputy [redacted] to fire a second round at Suspect Matthews. The second round had minimal to no effect on Suspect Matthews.

Deputies [redacted] and Jaime Romero reached into the closet and attempted to grab Suspect Matthews' arms to pull him out of the closet. Suspect Matthews placed his left foot against the wall inside the closet and used it as leverage against the deputies' efforts. Suspect Matthews positioned his back against the opposite wall and hid his right arm behind a shelf.

Sergeant Alvarez ordered Deputy [redacted] to employ the X-26 Taser. Due to the close quarters of the small closet, Deputy [redacted] chose to use the X-26 Taser to drive stun Suspect Matthews' left arm. The X-26 Taser did not maintain contact with Suspect Matthews for the full cycle because Suspect Matthews screamed out in pain then attempted to take the X-26 Taser from Deputy [redacted] Deputy [redacted] held onto the X-26 Taser as he created distance between himself and Suspect Matthews.

IAB Note: See Deputy [redacted] body-worn camera footage [Exhibit B, UOF, [redacted] UOF, @ marker 04:51].

Deputies [redacted] and Jaime Romero reached into the closet to pull Suspect Matthews out. Suspect Matthews slapped their hands away. Suspect Matthews punched and kicked at Deputies [redacted] and Jaime Romero. Sergeant Alvarez ordered an additional employment of the X-26 Taser. Deputy [redacted] employed the X-26 Taser with the cartridge affixed for a full cycle. Only one of the electrodes made positive contact with Suspect Matthews' body which briefly immobilized him.

Deputies [redacted] and Jaime Romero took that opportunity to reach into the closet a third time and pulled Suspect Matthews halfway out of the closet, but he was able to move his body back into the closet. Deputy Jaime Romero deployed his X-26 Taser and warned Suspect Matthews he would tase him if he did not comply. Suspect Matthews complied and walked out of the closet to face the wall.

As the deputies began to place Suspect Matthews' hands behind his back, Suspect Matthews twisted his body toward the office door. Sergeant Alvarez ordered the deputies to conduct a team takedown. Suspect Matthews dropped his weight to the floor which caused Deputies [redacted] and [redacted] to fall to the floor with him. The X-26 Taser electrode remained embedded in Suspect Matthews' leg; however, Deputy [redacted] expended the X-26 Taser cartridge to prevent a tripping hazard. Deputy Ruiz used her handheld radio to broadcast deputies were involved in a fight on the L-TAC radio frequency.

Suspect Matthews started to crawl toward the office door. To prevent an escape, Deputy [redacted] attempted to control Suspect Matthews right arm. Suspect Matthews reached for the door and held onto the door handle. Deputy [redacted] was able to remove Suspect Matthews' right hand from the door handle.

Deputy [redacted] positioned his body on top of Suspect Matthews' back. Deputy [redacted] attempted to use his body weight to force Suspect Matthew's body to the floor and onto

his stomach. Suspect Matthews used his strength to lift his upper body into a push up type position and refused to submit to the deputies' commands.

Deputy [redacted] body weight forced Suspect Matthews to the floor while on top of Deputy [redacted] Deputy [redacted] adjusted his body from underneath Suspect Matthews. As Deputy [redacted] adjusted his body, Deputy [redacted] actively attempted to drive stun Suspect Matthews. While underneath Suspect Matthews' body, Deputy [redacted] felt a hand attempt to remove the X-26 Taser from his hand. Deputy [redacted] assumed it was Suspect Matthews's hand, so he yelled out that Suspect Matthews tried to take the X-26 Taser away.

When Deputy [redacted] stated Suspect Matthews tried to control the taser, Deputy Jaime Romero grabbed Suspect Matthews' hair from the back of his head and used his right hand to punch Suspect Matthews one time on the right side of his face. The strike was not effective as Suspect Matthews resisted and refused to place his hands behind his back. Deputy Jaime Romero repositioned himself on the left side of Suspect Matthews' upper body. Deputy Jaime Romero used his left fist to strike Suspect Matthews approximately four times on the left side of his face **[Exhibit B, UOF, Hallway_Camera_Video, 00:53]**. Suspect Matthews continued moving toward the threshold of the doorway. Deputy Jaime Romero used his left fist to strike Suspect Matthews three additional times on the left side of his face **[Exhibit B, UOF, Hallway_Camera_Video, 01:02]**.

Sergeant Alvarez continuously gave Suspect Matthews commands to "stop fighting" and "stop resisting" but Suspect Matthews would not comply. Sergeant Alvarez noticed the deputies had difficulty in gaining control of Suspect Matthews, so Sergeant Alvarez took possession of the 40mm baton launcher from Deputy [redacted] and told Deputy [redacted] to assist Deputies Jaime Romero, [redacted]

Deputy [redacted] positioned himself on the left shoulder area of Suspect Matthews which placed them past the threshold of the office into the hallway. Deputy [redacted] took control of Suspect Matthews' left arm and placed it behind his back. Deputy Jaime Romero placed a handcuff on Suspect Matthews' left wrist then handed the handcuff to Deputy [redacted] to control Suspect Matthews left arm. Deputy [redacted] reassessed and saw Deputy [redacted] was on the floor on the right side of Suspect Matthews but had not been able to place Suspect Matthews' right arm behind his back. Deputy [redacted] repositioned himself on the right side to assist Deputy [redacted]

Suspect Matthews lifted his upper body off the floor and refused to comply with the command's deputy personnel gave him to place his right hand behind his back. Deputy Jaime Romero used his left fist to strike Suspect Matthews two additional times on the left side of his face **[Exhibit B, UOF, Hallway_Camera_Video, 01:49]**. The strikes appeared to be effective in gaining Suspect Matthews compliance as he fully laid his body on the floor.

Deputy [redacted] used another pair of handcuffs and placed them on Suspect Matthews' right wrist as it was placed behind his back. The two handcuffs were joined together without further incident. Deputy Ruiz placed a Ripp hobble restraint device around Suspect Matthews' ankles without resistance for added restraint and control of Suspect Matthews.

Suspect Matthews was placed on his left side, searched for weapons, then placed in a seated position while deputy personnel summoned LACoFD personnel to provide medical treatment on Suspect Matthews. Suspect Matthews was transported via ambulance to the Los Angeles County University of Southern California Medical Center (LAC+USC Medical Center) where he was treated by Doctor Sarah Nancy Hsu. Suspect Matthews was diagnosed as sustaining an orbital fracture, puncture wounds and abdominal bruising **[Miscellaneous Documents, Booking Packet]**.

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] Deputy Sheriff, [redacted]
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment [redacted]	08/07/2008
Date of [redacted] to Deputy Sheriff:	[redacted]
Date Assigned to Transit Services Bureau:	
Date Completed Patrol Training:	
Date Assigned to Patrol/East Los Angeles Station:	07/02/2017
Prior Category 3 Force Incidents:	[redacted]

Equipment Worn On Person

Deputy [redacted] wore a Class "A" uniform, a body-worn camera, and a nylon duty belt, equipped with the following:

Duty firearm, Smith & Wesson, M&P, 9mm with mounted light
(3) Ammunition magazines
Radio
Oleoresin Capsicum (OC) Spray
(2) Handcuffs
Expandable baton
Flashlight
Key holder
PR-24 baton (in radio car)

[redacted] Deputy Sheriff, [redacted]
Central Patrol Division

East Los Angeles Station

Work History

Date of Employment: 12/14/2017
Date Assigned to Patrol/East Los Angeles Station: 02/07/2021
Date Completed Patrol Training: [redacted]
Prior Category 3 Force Incidents:

Equipment Worn On Person

Deputy [redacted] wore a Class "A" uniform, a body-worn camera, and a Sam Browne belt, equipped with the following:

Duty firearm, Smith & Wesson, M&P, 9mm with mounted light
(2) Ammunition magazines
Radio
Oleoresin Capsicum (OC) Spray
X-26 Taser
(2) Handcuffs
Expandable baton
Knife
Flashlight
Key holder
PR-24 baton (in radio car)

[redacted] Deputy Sheriff, [redacted]
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment: 12/19/2011
Date Assigned to Patrol/East Los Angeles Station: 06/07/2015
Date Completed Patrol Training: [redacted]
Prior Category 3 Force Incidents:

Equipment Worn On Person

Deputy [redacted] wore a Class "A" uniform, a body-worn camera, and a Sam Browne belt, equipped with the following:

Duty firearm, Smith & Wesson, M&P, 9mm with mounted light
(2) Ammunition magazines
Radio
Oleoresin Capsicum (OC) Spray

(2) Handcuffs
Expandable baton
Knife
Key holder
PR-24 baton (in radio car)

[redacted] Deputy Sheriff, [redacted]
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment:	12/05/2019
Date Assigned to Patrol/East Los Angeles Station:	02/27/2022
Date Completed Patrol Training:	[redacted]
Prior Category 3 Force Incidents:	

Equipment Worn On Person

Deputy [redacted] wore a Class "A" uniform, a body-worn camera, and a Sam Browne belt, equipped with the following:

Duty firearm, Smith & Wesson, M&P, 9mm with mounted light
(2) Ammunition magazines
Radio
Oleoresin Capsicum (OC) Spray
(2) Handcuffs
Expandable baton
RIPP Hobble
Knife
PR-24 baton (in radio car)

Jaime Romero, Deputy Sheriff, #[redacted]
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment [redacted]	03/29/2007
Date of [redacted] to Deputy Sheriff:	[redacted]
Date Assigned to Patrol/East Los Angeles Station:	10/23/2016
Date Completed Patrol Training:	[redacted]
Prior Category 3 Force Incidents:	

Equipment Worn On Person

Deputy Jaime Romero wore a Class "A" uniform, a body-worn camera, and a Sam Browne belt, equipped with the following:

Duty firearm, Smith & Wesson, M&P, 9mm with mounted light
(3) Ammunition magazines
Radio
Oleoresin Capsicum (OC) Spray
(2) Handcuffs
Expandable baton
X-26 Taser
Key holder
PR-24 baton (in radio car)

SUSPECT INFORMATION

Eli Matthews
Male, Black, DOB: October 30, 1996, 5'08", 240 pounds
[redacted] #[redacted]
CII #[redacted], MAIN #[redacted] FBI #[redacted] CDL #[redacted]

A check of the Consolidated Criminal History Reporting System/Criminal Information Index (CCHRS/CII) revealed Suspect Matthews [redacted] For further information, refer to copy of Suspect Matthew's CCHRS/CII printout **[Miscellaneous Documents]**.

SUSPECT INJURIES

Suspect Matthews sustained an orbital fracture to his left eye area, and abrasions to his right elbow and knee. See photographs **[Exhibit B]** and refer to Suspect Matthew's medical records from LAC+USC Medical Center. **[Exhibit C]**.

> **IAB Note:** **A review of Suspect Matthew's medical records revealed a** [redacted]

DEPUTY PERSONNEL INJURIES

None.

PHYSICAL EVIDENCE

IAB investigators reviewed all associated body-worn camera footage of all involved personnel and sworn witnesses as well as the CCTV footage from the incident location.

INVESTIGATOR'S OBSERVATIONS

IAB Investigator's did not observe the location of the incident on the day of occurrence. This orbital fracture to Suspect Matthews was not confirmed until several hours after the incident.

WEAPON USED BY EMPLOYEE

Deputy [redacted] used the NoneTaser X-26

Deputy [redacted] used the 40mm Foam Baton Launcher

WEAPONS USED BY SUSPECT

None.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATION / CHARGES FILED

Investigator's Name:	Detective Xavier Zeas, [redacted]
Arraignment Court:	Clara Shortridge Foltz Criminal Justice Center, Department 30
Court Case:	BA512090
Charges:	69 P.C., 69 P.C., 10851(A) V.C.

Detective Zeas submitted the criminal complaint to the East Los Angeles Superior Court District Attorney's Office. On August 8, 2023, Suspect Matthews pled Nolo Contendere to count (01) 69 P.C. For further, refer to the Superior Court of California, County of Los Angeles Minute Order, court number #BA512090. Suspect Matthews has a sentencing date of November 1, 2023 **[Miscellaneous Documents]**.

LIGHTING AND WEATHER CONDITIONS

The area where the use of force occurred was illuminated by interior fluorescent lighting. The weather was clear and cool but was not a factor in the use of force incident.

RADIO TRANSMISSION

Internal Affairs Bureau investigators reviewed Sheriff's Communication Center's (SCC) radio traffic associated with the incident. The following is a summary of Dispatch 3 and L-TAC radio transmissions. For exact times, units, and verbiage, refer to **[Exhibit B, Radio Traffic]**. The times used to signify the events is the elapsed interval on the recording, not the time the incident occurred.

DISPATCH 3_011723_0722–0755_hrs

00:00 - Call dispatched to East Los Angeles Station units.

00:45 - Detective Zeas, Unit 21A; Emergent radio traffic; holding Suspect Matthews at gunpoint.

01:27 - Sergeant Alvarez, Unit 20S, en route.

01:45 - Deputy [redacted] Unit 24 advised deputies lost sight of Suspect Matthews; last seen in the parking garage.

02:47 - Sergeant Alvarez, Unit 20S, on scene.

04:50 - Deputies [redacted] Unit 23 advised Suspect Matthews is [redacted]

10:12 - MET Deputy Perez en route.

10:27 - Sergeant Alvarez, Unit 20S, request MET response Code 3.

11:30 - Sergeant Alvarez, Unit 20S, advised there was a secured door where Suspect Matthews may have hidden himself.

13:21 - Sergeant Alvarez, Unit 20S, advised they had positive identification that Suspect Matthews was in the closet.

13:50 - Sergeant Alvarez, Unit 20S, dropped the duplex channel. All units switched to L-TAC radio frequency.

LTAC_011723_0723 – 0903_hrs

00:07 - Deputy [redacted] Unit 23, asked if the informant had an observation of the suspect's location.

00:27 - Deputy [redacted] Unit 23, coordinated the response of assisting units.

04:06 - Detective Zeas, Unit 21A, stated the apartment [redacted] is on scene to provide access to the closet where Suspect Matthews was hidden.

04:23 - Deputy [redacted] Unit 23, broke down the exterior containment.

04:36 - LACoFD personnel requested to stage at location.

05:15 - Requested LACoFD personnel to meet with deputies in the lobby.

05:39 - Deputy Ruiz, Unit 21, advised deputies were involved in a fight.

06:09 - Deputy Ruiz, Unit 21, advised the situation was Code 4; Suspect Matthews was in custody.

06:24 - Suspect Matthews was transported to the hospital.

SURVEILLANCE FOOTAGE / BODY-WORN CAMERA

IAB investigators obtained Los Angeles County Sheriff's Department (LASD) personnel body-worn camera (BWC) videos associated with the incident. East Los Angeles station detectives collected closed circuit television (CCTV) surveillance provided by [redacted] **[Exhibit B, Scene Photographs and Videos]**.

IAB investigators reviewed fifty-seven (57) BWC videos, and three (3) CCTV surveillance videos. Below are selected videos with timepoints that best depicts viewpoints of the series of events that occurred during the force incident **[Exhibit B, UOF]**.

Video Title	Description
[redacted] UOF	Deputy [redacted] opens closet door – (01:25)
[redacted] UOF	Deputy [redacted] fires one foam baton round – (04:02)
[redacted] UOF	Deputy [redacted] fires second foam baton round – (04:22)
[redacted] UOF	Deputy [redacted] attempted to control Suspect Matthews left arm - (04:27)
Romero_Jaime_UOF BWC	Deputy Jaime Romero attempted to control Suspect Matthews' left arm - (04:30)
[redacted] UOF	Deputy [redacted] employs the taser (drive stun) – (04:50)
[redacted] UOF	Deputy [redacted] attempted to control Suspect Matthews' left arm - (04:55))
Romero_Jaime _UOF BWC	Suspect Matthews appeared to reach for Deputy [redacted] Sam Browne - (05:02)
Romero_Jaime _UOF BWC	Deputy Jaime Romero attempted to control Suspect Matthews' right arm - (05:03)
[redacted] UOF	Suspect Matthews threw items out of the closet toward deputy personnel and swung his hands toward deputy personnel - (05:07)
[redacted] UOF	Deputy [redacted] employs the taser using cartridge – (05:16) Suspect Matthews continued fighting.
Alvarez_UOF_full_video	Deputy Jaime Romero deploys his taser - (05:28)
Ruiz_UOF	Suspect Matthews stepped out of closet; Deputy [redacted]

Alvarez_UOF_full_video	used his hand to grab Suspect Matthews' right wrist as he guides him to the wall; Deputy [redacted] positions himself to the right of the suspect. Deputy [redacted] goes to Suspect Matthews' left side. Deputy Ruiz BWC - (05:28) & Sergeant Alvarez BWC - (05:30)
Ruiz_UOF	Deputy [redacted] attempted a takedown – (05:32)
Ruiz_UOF	Suspect Matthews dropped his weight to the floor then crawls toward the exit door to the office. Deputies [redacted] Romero and [redacted] follow as they attempt to gain control of Suspect Matthews – (05:34)
Ruiz_UOF Alvarez_UOF_full_video	Suspect Matthews' right hand is on the door handle. Deputy [redacted] falls to the floor, left side of Suspect Matthews'; Deputy [redacted] positioned himself on top of Suspect Matthews' back; Deputy [redacted] pulls Suspect Matthews' hand from door handle – Deputy Ruiz' BWC - (05:40) & Sergeant Alvarez BWC - (05:44)
Alvarez_UOF_full_video Hallway_Camera_Video_	Deputy Romero used his left fist to strike Suspect Matthews four times on the left side of his face – Sergeant Alvarez' BWC - (05:48) & Hallway Camera Video - (00:53)
Alvarez_UOF_full_video Hallway_Camera_Video	Deputy Romero used his left fist to strike Suspect Matthews three times on the left side of his face. Sergeant Alvarez' BWC - (05:56) & Hallway Camera Video - (01:02)
Alvarez_UOF_full_video [redacted] UOF	Deputy Romero used his right fist to strike Suspect Matthews once on the right side of his face. Sergeant Alvarez' BWC - (06:00) & Deputy [redacted] BWC - (05:58)
Ruiz_UOF	Deputy Ruiz placed a RIPP hobble on Suspect Matthews' ankles - (06:10)
[redacted] UOF	Deputy [redacted] took control of Suspect Matthews' left arm. Deputy Romero placed left wrist in handcuff - (06:14)
[redacted] UOF	Suspect Matthews' lift his upper body off the floor - (06:28)
Hallway_Camera_Video_	Deputy Romero used his left fist to strike Suspect Matthews two – three times on the left side of his face - (01:50)
[redacted] UOF	Deputy [redacted] placed a handcuff on Suspect Matthews' right wrist - (06:59)
Alvarez_UOF_full_video	Deputy [redacted] joins both handcuffs together - (07:07)
[redacted] UOF	Suspect Matthews is in the recovery position - (07:42)
[redacted] UOF	Suspect Matthews is placed in a seated position - (08:34)
[redacted] UOF	LACoFD bring gurney to Suspect Matthews and provide medical attention - (09:00)
[redacted] UOF	Deputies [redacted] and [redacted] place Suspect Matthews on the medical gurney. Deputy Romero held

	the RIPP hobble - (09:35)
Alvarez_UOF_full_video	Suspect Matthews is taken to the ambulance for transport to the hospital - (13:30)

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEE

Deputy [redacted]

On July 13, 2023, Deputy [redacted] was interviewed by IAB Sergeants Ermina McKelvy and Terrence Smith. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy [redacted] during the interview was Attorney Russell Perry from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh his memory, Deputy [redacted] was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Deputy [redacted] worked Unit 23 on AM shift with Deputy [redacted] Deputies [redacted] and [redacted] responded to a call for service at [redacted] Whittier Boulevard in the city of Los Angeles. The call named Suspect Matthews, [redacted] as the person who took the vehicle without consent. Upon arrival, Deputies [redacted] and [redacted] met with [redacted] at apartment [redacted]. While speaking with [redacted] they heard Detective Zeas broadcast he was detaining Suspect Matthews at gunpoint in the garage area of the complex. [redacted] told Deputy [redacted] she desired the prosecution of Suspect Matthews for taking her vehicle. [redacted] advised Deputy [redacted] that Suspect Matthews was [redacted] and he had not taken his [redacted] Deputy [redacted] used his handheld radio to relay this additional information to the deputies on scene **(Transcripts, Deputy [redacted], Page 9)**.

Deputy [redacted] responded to the lobby with [redacted] where Suspect Matthews locked himself inside an office closet. Sergeant Alvarez, Deputies [redacted] Jaime Romero, [redacted] and Ruiz were in the lobby. Multiple deputies entered the office and spoke with Suspect Matthews through the door seeking his compliance to exit the closet. Suspect Matthews would not exit the closet. Deputy [redacted] asked [redacted] to convince Suspect Matthews to exit the closet. [redacted] spoke with Suspect Matthews, but he refused to exit the closet.

As Sergeant Alvarez spoke with Suspect Matthews, he refused to exit the closet. Sergeant Alvarez used his handheld radio to request the emergent response of the Mental Evaluation Team (MET). Deputy Perez, along with a MET clinician, arrived and

spoke with Suspect Matthews while he was still inside the closet. While speaking with Deputy Perez, Suspect Matthews communicated he had a [redacted] and an [redacted] Deputy Perez stated the paramedics stood by to evaluate Suspect Matthews' [redacted] condition. Suspect Mattews refused to exit the closet.

IAB Note: **A [redacted] is a [redacted] (webmd.com).**

An [redacted] can cause [redacted] and [redacted] (simonsheart.org).

Sergeant Alvarez and Deputy [redacted] formulated a plan to remove Suspect Matthews from the closet. The plan began when Deputy [redacted] forcibly opened the closet door as Suspect Matthews held the door closed from the inside. Once the door was opened, Deputy [redacted] could clearly see inside the closet. Deputy [redacted] described the closet as a three by four-foot supply closet containing clerical and cleaning supplies, including a broom which was within the immediate reach of Suspect Matthews' right hand.

Suspect Matthews wore a blue robe which matched the clothing description in the call for service. Suspect Matthews was between 5'10" and 6'0" tall and weighed approximately 220 pounds. Suspect Matthews refused multiple commands to exit the closet. At the direction of Sergeant Alvarez, Deputy [redacted] positioned himself approximately two to three feet in front of the closet door and employed one baton round toward Suspect Matthews which hit him in the torso area. The projectile did not have the desired effective as Suspect Matthews did not exit the closet.

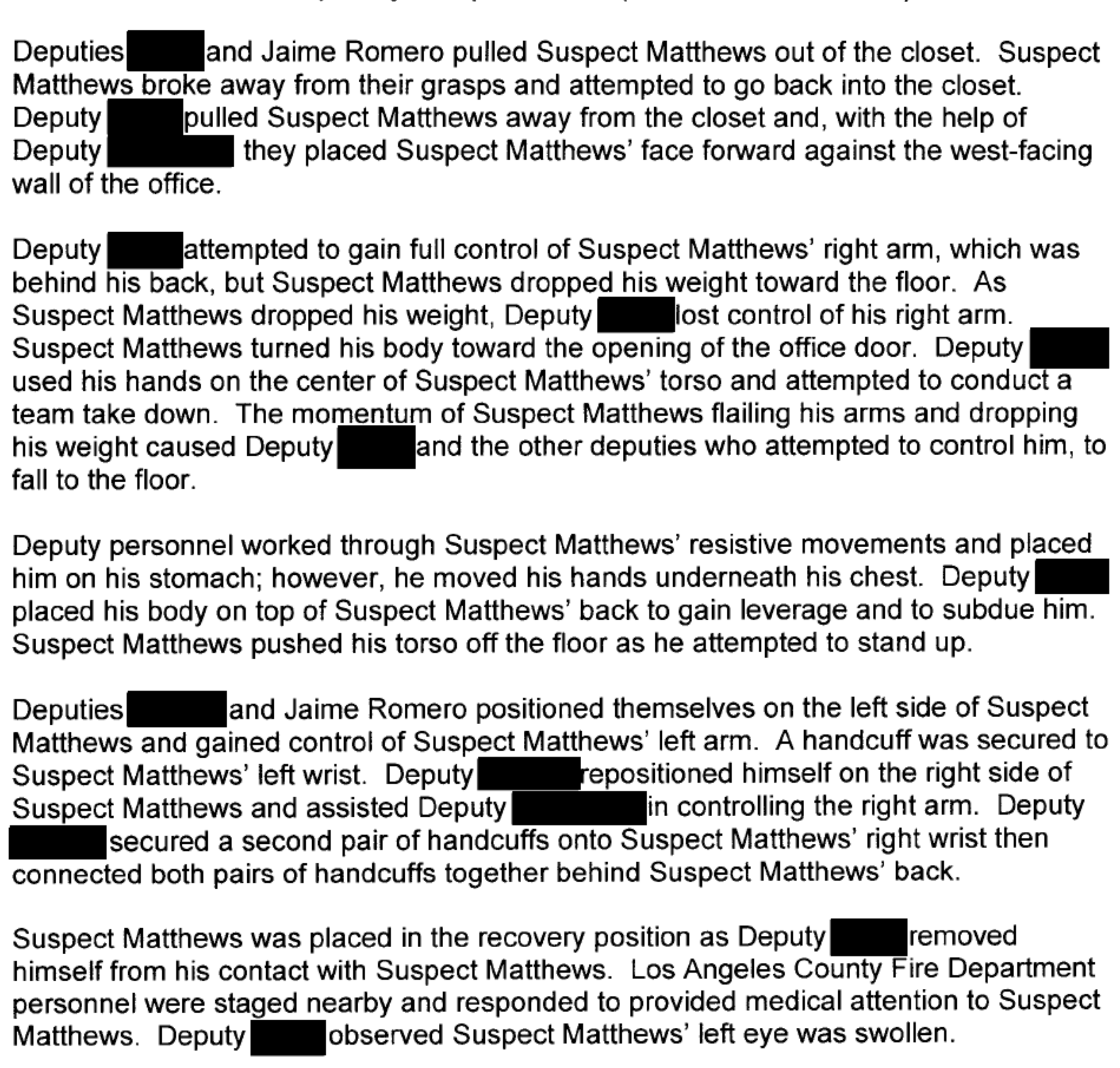
Sergeant Alvarez directed Deputy [redacted] to launch an additional round. Deputy [redacted] employed a second baton round toward Suspect Matthews which hit him in the torso area; however, he refused to exit the closet. Deputy [redacted] knew both rounds hit Suspect Matthews because Deputy [redacted] was close enough to Suspect Matthews and the baton rounds were large; it would be difficult to miss the target.

Deputies [redacted] and Jaime Romero reached into the closet to pull Suspect Matthews out. Deputy [redacted] used both hands to reach for Suspect Matthews' right arm as Deputy Jaime Romero reached for Suspect Matthews' left arm. Suspect Matthews pushed himself away from the deputies then attempted to punch Deputies [redacted] and Romero **(Transcripts, Deputy [redacted] Page 22)**. Suspect Matthews threw a black bag from inside the closet toward the deputies. Neither Suspect Matthews' punches nor the black bag hit the deputies.

Deputy [redacted] used his X-26 Taser to drive stun Suspect Matthews' left forearm. The drive stun appeared to be ineffective as Suspect Matthews continued to punch and kick at Deputy [redacted] Deputy [redacted] used the cartridge containing the electrodes to momentarily immobilize the suspect.

IAB Note: **In "drive stun" mode, the Taser works more like a conventional stun gun: press it against a person's body, pull the trigger, and it delivers a powerful shock akin to a cattle prod. It doesn't cause paralysis but sends an electric jolt that causes intense pain (www.reuters.com).**

The Taser cartridge fires two small darts, connected to the device with thin wires, up to a distance of approximately 11 meters (35 feet). The darts can penetrate clothing and, once they make contact with the target, deliver the electric shock, which disrupts the target's nervous system, resulting in temporary incapacitation. (www.britannica.com)



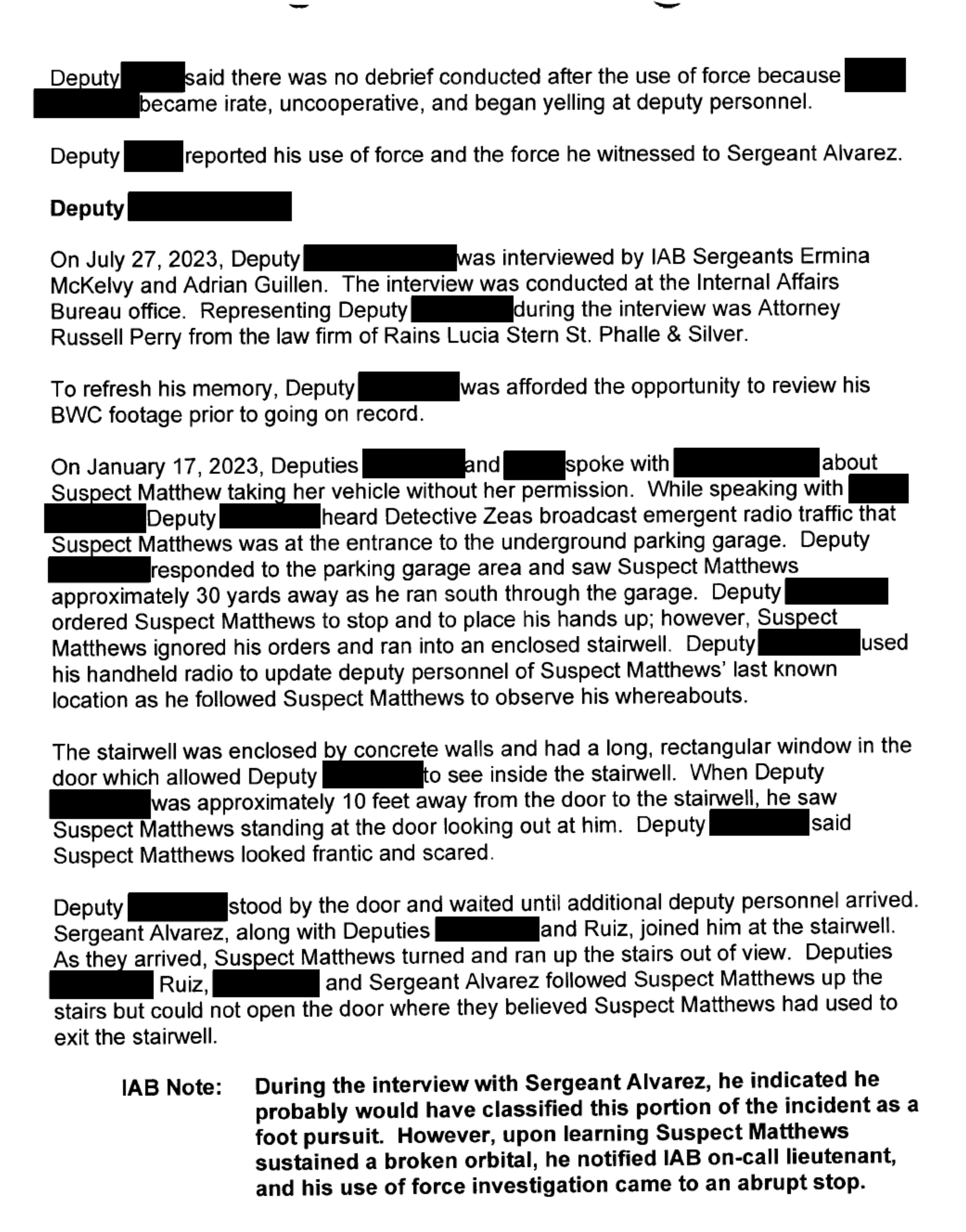
Deputies [redacted] and Jaime Romero pulled Suspect Matthews out of the closet. Suspect Matthews broke away from their grasps and attempted to go back into the closet. Deputy [redacted] pulled Suspect Matthews away from the closet and, with the help of Deputy [redacted] they placed Suspect Matthews' face forward against the west-facing wall of the office.

Deputy [redacted] attempted to gain full control of Suspect Matthews' right arm, which was behind his back, but Suspect Matthews dropped his weight toward the floor. As Suspect Matthews dropped his weight, Deputy [redacted] lost control of his right arm. Suspect Matthews turned his body toward the opening of the office door. Deputy [redacted] used his hands on the center of Suspect Matthews' torso and attempted to conduct a team take down. The momentum of Suspect Matthews flailing his arms and dropping his weight caused Deputy [redacted] and the other deputies who attempted to control him, to fall to the floor.

Deputy personnel worked through Suspect Matthews' resistive movements and placed him on his stomach; however, he moved his hands underneath his chest. Deputy [redacted] placed his body on top of Suspect Matthews' back to gain leverage and to subdue him. Suspect Matthews pushed his torso off the floor as he attempted to stand up.

Deputies [redacted] and Jaime Romero positioned themselves on the left side of Suspect Matthews and gained control of Suspect Matthews' left arm. A handcuff was secured to Suspect Matthews' left wrist. Deputy [redacted] repositioned himself on the right side of Suspect Matthews and assisted Deputy [redacted] in controlling the right arm. Deputy [redacted] secured a second pair of handcuffs onto Suspect Matthews' right wrist then connected both pairs of handcuffs together behind Suspect Matthews' back.

Suspect Matthews was placed in the recovery position as Deputy [redacted] removed himself from his contact with Suspect Matthews. Los Angeles County Fire Department personnel were staged nearby and responded to provided medical attention to Suspect Matthews. Deputy [redacted] observed Suspect Matthews' left eye was swollen.



Deputy [redacted] said there was no debrief conducted after the use of force because [redacted] became irate, uncooperative, and began yelling at deputy personnel.

Deputy [redacted] reported his use of force and the force he witnessed to Sergeant Alvarez.

Deputy [redacted]

On July 27, 2023, Deputy [redacted] was interviewed by IAB Sergeants Ermina McKelvy and Adrian Guillen. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy [redacted] during the interview was Attorney Russell Perry from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh his memory, Deputy [redacted] was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Deputies [redacted] and [redacted] spoke with [redacted] about Suspect Matthew taking her vehicle without her permission. While speaking with [redacted] Deputy [redacted] heard Detective Zeas broadcast emergent radio traffic that Suspect Matthews was at the entrance to the underground parking garage. Deputy [redacted] responded to the parking garage area and saw Suspect Matthews approximately 30 yards away as he ran south through the garage. Deputy [redacted] ordered Suspect Matthews to stop and to place his hands up; however, Suspect Matthews ignored his orders and ran into an enclosed stairwell. Deputy [redacted] used his handheld radio to update deputy personnel of Suspect Matthews' last known location as he followed Suspect Matthews to observe his whereabouts.

The stairwell was enclosed by concrete walls and had a long, rectangular window in the door which allowed Deputy [redacted] to see inside the stairwell. When Deputy [redacted] was approximately 10 feet away from the door to the stairwell, he saw Suspect Matthews standing at the door looking out at him. Deputy [redacted] said Suspect Matthews looked frantic and scared.

Deputy [redacted] stood by the door and waited until additional deputy personnel arrived. Sergeant Alvarez, along with Deputies [redacted] and Ruiz, joined him at the stairwell. As they arrived, Suspect Matthews turned and ran up the stairs out of view. Deputies [redacted] Ruiz, [redacted] and Sergeant Alvarez followed Suspect Matthews up the stairs but could not open the door where they believed Suspect Matthews had used to exit the stairwell.

IAB Note: **During the interview with Sergeant Alvarez, he indicated he probably would have classified this portion of the incident as a foot pursuit. However, upon learning Suspect Matthews sustained a broken orbital, he notified IAB on-call lieutenant, and his use of force investigation came to an abrupt stop.**

Deputies [redacted] and Ruiz found another entrance into the building and searched for Suspect Matthews. Once Deputy [redacted] entered the hallway near the front of the complex, an [redacted] of complex told Deputy [redacted] a closet inside the office was left open, but when the [redacted] returned, it was locked and closed.

Deputy [redacted] and other deputy personnel entered the office. Deputy [redacted] heard movement inside the closet and eventually confirmed Suspect Matthews was inside. Deputy [redacted] attempted to de-escalate the situation and requested [redacted] to speak with Suspect Matthews. Suspect Matthews refused to exit the closet.

Sergeant Alvarez requested the response of MET personnel. MET Deputy Perez arrived and attempted to persuade Suspect Matthews to exit the closet. Deputy [redacted] heard Suspect Matthews tell Deputy Perez he had a broom in his hand. Deputy Perez spoke with Suspect Matthews for approximately 20 minutes, but his efforts were unsuccessful.

A tactical plan was formed to apprehend Suspect Matthews. Sergeant Alvarez designated Deputy [redacted] as the person to deploy the X-26 Taser, if needed. Sergeant Alvarez made one final attempt to persuade Suspect Matthews to exit the closet, but he refused.

Sergeant Alvarez directed Deputy [redacted] to open the closet door. Deputies [redacted] and Jaime Romero attempted to pull Suspect Matthews out the of closet. Suspect Matthews told the deputies he would not come out of the closet. Sergeant Alvarez directed Deputy [redacted] to employ the 40mm baton launcher. Deputy [redacted] fired one foam baton round toward Suspect Matthews' abdominal area. The round did not affect Suspect Matthews as he continued to ignore the deputies' commands to exit the closet.

Suspect Matthews slapped away Deputies [redacted] and Jamie Romero's hands as they attempted to gain control of his hands. Sergeant Alvarez directed Deputy [redacted] to fire an additional foam baton round. Deputy [redacted] fired one additional foam baton toward Suspect Matthews' abdominal area. The second round also did not have the desired effect on Suspect Matthews as he continued to slap Deputies [redacted] and Jaime Romero's hands away.

Sergeant Alvarez directed Deputy [redacted] to employ his X-26 Taser. Due to the close quarters of the closet, Deputy [redacted] used his X-26 Taser to drive stun Suspect Matthews' left arm. Deputy [redacted] cycled the X-26 Taser for approximately three to five seconds then stepped away from the closet. The drive stun did not have the desired effect based on Suspect Matthews' continued assault on deputy personnel.

Deputy [redacted] used the cartridge of his X-26 Taser containing the electrodes to deploy a second cycle toward Suspect Matthews' mid-section. Only one electrode contacted Suspect Matthews which caused him to briefly stop his assaultive behavior. Deputy Jaime Romero pulled Suspect Matthews out of the closet, but Suspect Matthews resisted Deputy Jaime Romero's control hold and re-entered the closet.

Deputy [redacted] used his hands to pull Suspect Matthews out of the closet and placed Suspect Matthews against the wall. Deputies [redacted] and [redacted] attempted to detain Suspect Matthews and controlled his right arm and secured his wrist with a handcuff. Suspect Matthews became resistive and flailed his body from left to right. Deputy [redacted] attempted to drive stun Suspect Matthews as they stood along the wall. The drive stun attempts did not stop Suspect Matthews' actions.

Deputies [redacted] and Jamie Romero conducted a team takedown of Suspect Matthews. During the takedown, Deputy [redacted] applied a drive stun to the left side of Suspect Matthews' lower back/left hip area for approximately two to three seconds. Using his right hand, Suspect Matthews attempted to take the X26 Taser away from Deputy [redacted] When they fell to the floor, Suspect Matthews landed on top of Deputy [redacted]

As Deputy [redacted] maneuvered his body from underneath Suspect Matthews, he attempted to drive stun Suspect Matthews. Suspect Matthews attempted to take Deputy [redacted] X26 Taser again and said, "Hey! He's taking my taser!" While deputy personnel attempted to control Suspect Matthews, Deputy [redacted] heard multiple commands being given for Suspect Matthews to stop fighting.

Deputy [redacted] was finally able to remove himself out from underneath Suspect Matthews. Deputy [redacted] noticed deputy personnel gained control of Suspect Matthews' body with their hands. Deputy [redacted] assisted Deputy Ruiz and controlled Suspect Matthews' legs as he kicked at deputy personnel during this incident.

Once Suspect Matthews was handcuffed and he was no longer resistive and was placed in the recovery position. LACoFD Engine #3 paramedics responded. Deputies [redacted] and [redacted] lifted Suspect Matthews onto the medical gurney. Suspect Matthews was treated on scene then transported to LAC+USC Medical Center for further medical treatment.

Deputy [redacted] reported his use of force and the force he witnessed to Sergeant Alvarez.

Deputy [redacted]

On July 10, 2023, Deputy [redacted] interviewed by IAB Sergeants Ermina McKelvy and Gabriel Achyan. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy [redacted] during the interview was Attorney Chris Kucharski from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh his memory, Deputy [redacted] was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Deputy [redacted] worked Unit 24 on AM shift as a single man unit. He responded to the location to assist Deputies [redacted] and [redacted] with the apprehension of Suspect Matthews.

Suspect Matthews was located inside a closet in an office near the front of the complex on the first floor. Deputy personnel, including Deputy Perez from MET, attempted to gain Suspect Matthews' compliance to exit a closet. Suspect Matthews refused. Suspect Matthews told Deputy Perez he had a broom and would attack the deputies. When [redacted] spoke to Suspect Matthews, she told him if he did not exit the closet, the deputies would use force. Suspect Matthews refused to exit the closet.

Sergeant Alvarez and the on-scene deputies formulated a tactical plan to detain Suspect Matthews. Deputy [redacted] was assigned to utilize the 40mm baton launcher if needed. Deputies [redacted] Jaime Romero, [redacted] and Ruiz were the additional members of the extraction team.

Prior to executing the tactical plan, Sergeant Alvarez made one final attempt to gain compliance from Suspect Matthews. Sergeant Alvarez spoke with Suspect Matthews for several minutes; however, Suspect Matthews refused to exit the closet.

Sergeant Alvarez directed Deputy [redacted] to open the door to the closet. Once the door was opened, Deputy [redacted] ordered Suspect Matthews to turn around and to step out of the closet. Suspect Matthews did not comply with the orders. Deputy [redacted] noticed Suspect Matthews stood in the closet with a broom between his legs. Deputy [redacted] feared Suspect Matthews would use the broom as a weapon against deputy personnel.

Sergeant Alvarez ordered Deputy [redacted] to fire one round from his 40mm baton launcher toward Suspect Matthews. Deputy [redacted] fired one foam baton toward Suspect Matthews from approximately five feet. The baton round struck Suspect Matthews in the abdominal area, but he refused to step out of the closet. Instead, Suspect Matthews raised a cell phone up and yelled, "He just shot me!"

IAB Note: Deputy [redacted] used the 40mm eXact iMpact Sponge Round which had a minimum safe range of five (5) feet.

After Suspect Matthews continued to be uncooperative, Sergeant Alvarez ordered Deputy [redacted] to fire an additional round at Suspect Matthews. Deputy [redacted] fired one more round from his 40mm baton launcher toward Suspect Matthews' abdominal area from approximately five feet. The second round had little to no effect on Suspect Matthews because he remained in the closet and refused to step out.

Sergeant Alvarez directed deputy personnel to grab Suspect Matthews. Deputies [redacted] and Jaime Romero attempted to use control holds to detain Suspect Matthews; however, he told them not to touch him. Deputy [redacted] moved away from the doorway

of the closet to allow Deputies [redacted] and Jaime Romero more space to engage Suspect Matthews.

While deputy personnel attempted to detain Suspect Matthews, Deputy [redacted] turned his body away from the closet and reloaded the 40mm baton launcher. Deputy [redacted] heard Sergeant Alvarez direct Deputy [redacted] to employ the X26 Taser. Deputy [redacted] heard the activation of the taser. Deputy [redacted] told Suspect Matthews to relax but Suspect Matthews said, "no." Sergeant Alvarez directed Deputy [redacted] to employ the X26 Taser again. Deputy [redacted] heard Deputy [redacted] announce he would employ the Taser and heard the taser actively being used. The Taser was ineffective and did not gain compliance from Suspect Matthews.

Deputy [redacted] stood by while holding the 40mm baton launcher as deputy personnel were able to remove Suspect Matthews from the closet. Suspect Matthews continued to resist the deputies as he violently pushed his body against the wall to prevent detention. Sergeant Alvarez ordered a team takedown. Deputies [redacted] Jaime Romero and [redacted] conducted a takedown on Suspect Matthews.

Suspect Matthews landed on his knees and continued to resist. Suspect Matthews placed his right hand on the open office door handle. Deputy [redacted] used his right hand to remove Suspect Matthews' hand from the door handle. Deputy personnel gave Suspect Matthews commands to stop resisting.

Deputy [redacted] heard the Taser being activated as Deputy [redacted] yelled, "Hey! He's taking my taser!" Deputy Jaime Romero commanded Suspect Matthews to stop fighting as he used his right fist to strike Suspect Matthews once on the left side of the face. The strike appeared to be effective as Suspect Matthews completely lowered his body to the floor, but he did not submit and placed his hands behind his back.

Deputy [redacted] mounted Suspect Matthews to prevent him from standing up. Deputy [redacted] gave the 40mm baton launcher to Sergeant Alvarez so he could assist with placing handcuffs on Suspect Matthews. Deputy [redacted] positioned himself on the left side of Suspect Matthews. Deputy [redacted] used both hands to gain control of Suspect Matthews' left wrist. Deputy Jaime Romero placed a handcuff on Suspect Matthews' left wrist. Deputy [redacted] repositioned himself on the right side of Suspect Matthews.

Deputy [redacted] maintained control of Suspect Matthews' right arm. Deputy [redacted] felt Suspect Matthews attempted to free himself from Deputy [redacted] Deputy [redacted] told Deputy [redacted] not to let go of Suspect Matthews' arm as Suspect Matthews continued to hold his right hand underneath his body. Deputy [redacted] used his left hand to control Suspect Matthews' right wrist while he used his right hand to place a handcuff on it.

Deputy [redacted] felt Suspect Matthews resist as he attempted to join the two handcuffs together behind his back. Deputy [redacted] was able to force Suspect Matthews' right

wrist closer toward the left and secure the two handcuffs. Suspect Matthews presented no further resistance.

Sergeant Alvarez instructed the deputies to place Suspect Matthews in the recovery position. Deputy [redacted] escorted LACoFD personnel into the hallway. Deputies [redacted] and [redacted] assisted Suspect Matthews onto the gurney. Deputy [redacted] observed blood and swelling on the left side of Suspect Matthews' face. LACoFD paramedics provided medical attention to Suspect Matthews and transported him to LAC+USC Medical Center via ambulance.

Deputy [redacted] reported his use of force and the force he witnessed to Sergeant Alvarez.

Deputy [redacted]

On July 19, 2023, Deputy [redacted] was interviewed by IAB Sergeants Ermina McKelvy and Terrence Smith. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy [redacted] during the interview was Attorney Matt Gelfond from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh his memory, Deputy [redacted] was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Deputy [redacted] worked Unit 22 on AM shift as a single man unit. Deputy [redacted] responded to the location to assist Deputies [redacted] and [redacted] with the apprehension of Suspect Matthews. Upon arrival, Deputy [redacted] met with Deputies [redacted] and [redacted] in the front of the location. Prior to entering the complex, Deputy [redacted] heard Detective Zeas activate the duplex patch indicating he was holding Suspect Matthews at gunpoint near the entrance to the parking garage.

Deputy [redacted] responded to Detective Zeas' location and observed Suspect Matthews approximately 50 feet away at the entrance to the parking garage. Suspect Matthews appeared angry and refused to follow the deputies' commands. Suspect Matthews walked into the parking garage and entered a closed stairwell, then he was out of view.

Deputy [redacted] along with two other deputies, entered the parking garage in search of Suspect Matthews.

> **IAB Note:** **A review of Deputy [redacted] BWC footage showed Sergeant Alvarez and Deputy Ruiz were with him as they entered the parking garage in search of Suspect Matthews.**

Deputy [redacted] heard Deputy [redacted] broadcast Suspect Matthews was locked inside a closet in an office near the front entrance. Deputies [redacted] and

Ruiz joined Deputy [redacted] in the lobby of the complex. As they walked close to the closet, Deputy [redacted] heard movement inside.

For approximately 30 minutes, multiple deputies, as well as [redacted] spoke to Suspect Matthews through the closed closet door. They attempted to gain his compliance to exit the closet; however, Suspect Matthews yelled back that he would not exit out of the closet, and he did nothing wrong.

MET Deputy Perez arrived on scene, and for approximately 30 minutes, he attempted to de-escalate the situation and to gain Suspect Matthews' compliance to exit out of the closet, but Suspect Matthews refused. Sergeant Alvarez formulated a tactical plan with Deputies [redacted] and Ruiz to extract Suspect Matthews from the closet. Deputy [redacted] was responsible for opening the closet door.

IAB Note: **IAB Investigators reviewed the body-worn camera footage of MET Deputy Perez which showed two (2) 15-minute recordings depicting his efforts to gain the compliance of Suspect Matthews.**

Sergeant Alvarez made one final attempt to gain Suspect Matthews' compliance, but Suspect Matthews refused to comply. Sergeant Alvarez ordered Deputy [redacted] to open the closet door. Suspect Matthews stood at the rear of the closet. Deputy [redacted] gave Suspect Matthews commands to exit the closet and place his hands behind his back. Suspect Matthews refused to comply as he held onto a broom.

Sergeant Alvarez directed Deputy [redacted] to fire one foam baton round from his 40mm baton launcher toward Suspect Matthews. Deputy [redacted] fired one foam round which struck Suspect Matthews in his upper torso, but the round was ineffective. Suspect Matthews refused to comply and stayed in the closet. Suspect Matthews told deputy personnel he would not exit out of the closet. Sergeant Alvarez directed Deputy [redacted] to fire an additional round toward Suspect Matthews. The second round struck Suspect Matthews in his upper torso, but it also was ineffective.

Deputy personnel continued to command Suspect Matthews to exit out of the closet. Deputies [redacted] and Jaime Romero attempted to pull Suspect Matthews out of the closet. Deputy [redacted] view was blocked, and he did not have a clear view into the closet. Deputy [redacted] heard Suspect Matthews said, "Don't touch me! No, I'm not coming out!"

Deputy [redacted] saw Suspect Matthews kick his foot toward Deputy Jaime Romero, but Deputy Jaime Romero stepped back to avoid Suspect Matthews' foot. Sergeant Alvarez directed Deputy [redacted] to employ the taser. Deputy [redacted] stood directly in front of the closet door and employed the X26 Taser. Due to Deputy [redacted] position, Deputy [redacted] could not see where the electrode landed. The X26 Taser seemed effective and Suspect Matthews agreed to exit out of the closet.

Deputies [redacted] and Jaime Romero placed Suspect Matthews against the wall. They attempted to place Suspect Matthews' hands behind his back, but he used his weight to push his back against the deputies. Deputy [redacted] noticed Suspect Matthews fell to his knees as his body faced the office exit.

Suspect Matthews used his right hand to grab the office door handle. Deputy [redacted] used his hands to remove Suspect Matthews hands from the door handle as Deputies [redacted] and [redacted] attempted to push Suspect Matthews flat on the floor. Deputy [redacted] held onto Suspect Matthews' right arm as he fell to the right side of Suspect Matthews. Suspect Matthews tried to pull his arm away from Deputy [redacted] as he lifted his upper body off the floor and tried to stand up.

Deputy [redacted] focused on maintaining control of Suspect Matthews' right arm as other deputy personnel attempted to get control of Suspect Matthews' left arm. Suspect Matthews was repeatedly ordered to stop resisting. Deputy [redacted] yelled out that Suspect Matthews was grabbing for his Taser. Deputy [redacted] heard the Taser being activated. Deputy [redacted] was not sure if Suspect Matthews had grabbed and employed the Taser or if Deputy [redacted] employed the Taser.

Deputy Jaime Romero handcuffed Suspect Matthews' left wrist. Suspect Matthews continued to pull his right arm away from Deputy [redacted]. Deputy [redacted] held onto Suspect Matthews arm until Suspect Matthews' hands were secured with handcuffs.

Suspect Matthews was placed on his side and then in a seated position. LACoFD personnel responded to provide medical attention to Suspect Matthews. Deputies [redacted] and [redacted] assisted Suspect Matthews onto the medical gurney. Suspect Matthews was transported to LAC+USC Medical Center via ambulance for medical clearance. Deputy [redacted] observed blood and bruising on Suspect Matthews' face.

Deputy [redacted] reported the force he used as well as the force he witnessed to Sergeant Alvarez.

Deputy Jaime Romero

On July 13, 2023, Deputy Jaime Romero was interviewed by IAB Sergeants Ermina McKelvy and Adrian Guillen. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy Jaime Romero during the interview was Attorney Russell Perry from the law firm of Rains Lucia Stern St. Phalle & Silver. On August 18, 2023, a follow up interview was conducted with Deputy Jaime Romero.

To refresh his memory, Deputy Jaime Romero was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Deputy Jaime Romero worked Unit 28 on AM shift as a single man unit. Deputy Jaime Romero responded to the location to assist Deputies [redacted] and

[redacted] with the apprehension of Suspect Matthews. Prior to Deputy Jaime Romero's arrival, the handling unit advised responding units Suspect Matthews had locked himself inside an office closet at the location.

Deputy Jaime Romero met Deputy [redacted] in the lobby of the location. Deputies [redacted] Ruiz, Peralta were also in the lobby, as well as Detective Zeas and Sergeant Alvarez. Several attempts were made by deputy personnel to convince Suspect Matthews to exit the closet. Suspect Matthews refused to exit the closet.

Under the direction of Sergeant Alvarez, personnel formulated a tactical plan to open the closet door to detain Suspect Matthews. Deputies Jaime Romero and [redacted] were designated to physically grab Suspect Matthews. Deputy Jaime Romero positioned himself next to Deputy [redacted] as they pulled the closet door open.

Suspect Matthews was in a squatted position at the rear corner of the closet. Suspect Matthews used his cell phone to record the incident. Deputy [redacted] ordered Suspect Matthews to turn around and to show his hands, but he refused. Sergeant Alvarez directed Deputy [redacted] to fire one foam baton round toward Suspect Matthews. Suspect Matthews was struck by the round, but he did not step out of the closet. Deputy [redacted] fired another foam baton toward Suspect Matthews. Suspect Matthews again did not exit from the closet.

Deputy [redacted] employed his X-26 Taser to drive stun Suspect Matthews on his left forearm for a full five-second cycle. Sergeant Alvarez directed the deputies to grab Suspect Alvarez. Deputies [redacted] reached in to gain control of Suspect Matthews, but Deputy Jaime Romero heard a struggle and noticed Suspect Matthews swung his fists toward Deputy [redacted] Deputy Jaime Romero attempted to grab Suspect Matthews' right arm while Deputy [redacted] attempted to grab his left arm.

Deputy [redacted] fired his X-26 Taser a second time toward Suspect Matthews using the electrodes. Deputy Jaime Romero could not see if the electrodes contacted Suspect Matthews; however, he heard Suspect Matthews scream out in pain. Deputy Jaime Romero reached into the closet with his left hand and grabbed Suspect Matthews arm. Suspect Matthews braced himself to the back of the wall then he used his right foot to kick Deputy Jaime Romero once in the chest. Deputy Jaime Romero stepped back to create distance from Suspect Matthews.

Deputy Jaime Romero re-assessed the situation and to prevent further assaults, he deployed his X-26 Taser. Deputy Jaime Romero warned Suspect Matthews if he did not step out of the closet, he would employ the Taser. Suspect Matthews complied with Deputy Jaime Romero's commands and exited the closet.

Deputies [redacted] and [redacted] walked Suspect Matthews toward the wall to place him in handcuffs. Suspect Matthews immediately became resistive toward deputy personnel and tucked both his arms in front of his chest. Suspect Matthews then dropped his body weight and used his strength and pushed away from the wall.

Deputy personnel attempted a team takedown; however, Suspect Matthews overpowered the deputies and landed on his knees. While on his knees, Suspect Matthews moved toward the doorway leading to the lobby. Deputy [redacted] activated his X-26 Taser again while on the floor with Suspect Matthews. Suspect Matthews appeared immune to pain and continued to shift his body toward the doorway.

Suspect Matthews used his right hand to grab onto the office door handle and used it to gain leverage as he attempted to stand up. Deputies [redacted] utilized their body weight to prevent Suspect Matthews from standing up.

Deputy Jaime Romero was concerned Suspect Matthews would pull away from deputy personnel. Deputy [redacted] shouted out that Suspect Matthews attempted to take his Taser. Deputy Jaime Romero grabbed Suspect Matthews' hair with his left hand and used his right hand to punch Suspect Matthews once on the right side of his face. The punch had the desired effect and Suspect Matthews laid down on the floor.

Deputy Jaime Romero repositioned himself on the left side of Suspect Matthews' body. Deputy Jaime Romero assisted Deputy [redacted] with handcuffing Suspect Matthews' left hand behind his back. While Deputy Jaime Romero held the handcuff on Suspect Matthews' left wrist with his right hand, Suspect Matthews lifted his chest off the floor.

Fearing Suspect Matthews would pull his arm away from his control hold, Deputy Jaime Romero used his left fist to punch Suspect Matthews four times to the left side of his face. Suspect Matthews refused to stop his resistance. Suspect Matthews continued to crawl through the threshold of the doorway. Suspect Matthews used this strength to resist the deputies' efforts to place him flat on the floor and to secure his wrists in handcuffs.

Deputy Jaime Romero struck Suspect Matthews two more times on the left side of his face. The punches caused Suspect Matthews to lay onto his stomach. With the assistance of Deputy [redacted] Suspect Matthews was handcuffed behind his back without further incident.

Suspect Matthews was placed in the recovery position. Deputy Jaime Romero observed blood on the left side of Suspect Matthews' face. LACoFD Engine #3 personnel treated Suspect Matthews on scene for his injuries. Suspect Matthews was then transported to LAC+USC Medical Center for further treatment.

Deputy Jaime Romero reported his use of force and the force he witnessed to Sergeant Alvarez.

EMPLOYEE WITNESSES

Sergeant George Alvarez

On July 13, 2023, Sergeant George Alvarez was interviewed by IAB Sergeants Ermina McKelvy and Terrence Smith. The interview was conducted at the Internal Affairs Bureau office. Representing Sergeant Alvarez during the interview was Attorney Suzanna Harman from the law firm of Hayes, Ortega & Sanchez. On August 18, 2023, a follow up interview was conducted with Sergeant Alvarez.

To refresh his memory, Sergeant Alvarez was afforded the opportunity to review his BWC footage prior to going on record.

On January 17, 2023, Sergeant Alvarez worked as Unit 20S on AM shift as a single man unit. Sergeant Alvarez responded to the location after Detective Zeas advised units he was detaining Suspect Matthews at gunpoint.

Upon arrival, Sergeant Alvarez met with deputy personnel to search for Suspect Matthews, who was last seen walking through the parking garage. They eventually found Suspect Matthews in the closet inside an office near the front entrance of the building. Suspect Matthews refused to exit the closet.

> **IAB Note: A follow-up interview was conducted with Sergeant Alvarez. He was shown his body-worn camera footage from the parking garage which depicted deputy personnel's interaction with Suspect Matthews in the stairwell. After watching the video, Sergeant Alvarez acknowledged a foot pursuit occurred when Deputies [redacted] Ruiz, and [redacted] followed Suspect Matthews up the stairwell.**

During the search for Suspect Matthews, Sergeant Alvarez was informed by Deputy [redacted] that according to [redacted] Suspect Matthews was [redacted] and [redacted] While inside the closet, several deputies spoke with Suspect Matthews to de-escalate the situation. After verbal efforts failed, [redacted] spoke to Suspect Matthews. Suspect Matthews still refused to exit the closet.

Sergeant Alvarez requested the emergent response of MET and LACoFD personnel. MET Deputy Perez, along with Clinician [redacted] arrived on scene. They were briefed on the situation by Deputy [redacted] After being briefed, Deputy Perez engaged in verbal de-escalation techniques with Suspect Matthews. Suspect Matthews told Deputy Perez he was holding a broom inside the closet. Deputy Perez informed Sergeant Alvarez that Suspect Matthews could not stay inside the closet and was likely experiencing a [redacted] Suspect Matthews told Deputy Perez that he had a [redacted]

IAB Note: As noted in his supplemental report, Deputy Perez advised Sergeant Alvarez that 'S/Matthews was not in the right state of mind and it was not safe to leave him there in the apartment building where his [redacted] lives and next to the front public lobby' [Exhibit A, Reports, MET Deputy Perez, page 2].

Sergeant Alvarez formed an arrest team and formulated a tactical plan with the goal to successfully detain Suspect Matthews. The plan was to use sound tactics that maximized safety for deputy personnel and Suspect Matthews. LACoFD personnel were staged outside for the purpose of rendering immediate medical evaluation and treatment for anyone who needed it.

Before enacting the tactical plan, Sergeant Alvarez made a last effort to de-escalate the situation verbally. Sergeant Alvarez asked Suspect Matthews if there was anything else he could say or do to persuade him to exit the closet. Suspect Matthews refused to exit the closet.

Sergeant Alvarez ordered Deputy [redacted] to open the closet door. Deputy [redacted] pulled the door open after overcoming Suspect Matthews' effort to keep the door closed. Suspect Matthews stood toward the rear of the closet. Deputy [redacted] gave verbal commands for Suspect Matthews to exit the closet and to place his hands behind his back. Suspect Matthews refused to exit the closet. There was a broom stick inside the closet near Suspect Matthews which posed a substantial risk to deputy personnel.

Based on Suspect Matthews' behavior and actions, Sergeant Alvarez directed Deputy [redacted] to deploy a 40mm baton launcher round. Deputy [redacted] employed the 40mm foam baton round from approximately six feet away from Suspect Matthews. The round struck Suspect Matthews in the mid/lower torso area and caused him to distance himself away from the broom stick. The round did not have the overall desired effect on Suspect Matthews as he did not exit the closet.

Sergeant Alvarez ordered Deputy [redacted] to employ the 40mm baton launcher a second time. From the same distance, Deputy [redacted] employed a 40mm foam baton round which struck Suspect Matthews in the lower torso. The round was not effective as Suspect Matthews refused to follow commands and he retreated further into the interior of the closet.

Sergeant Alvarez reassessed the use of the 40mm baton launcher, and the team transitioned to the tactical operation's next phase, which was to remove Suspect Matthews from the closet using control holds.

Deputies [redacted] and Jaime Romero attempted to apply controls onto Suspect Matthews hands. Suspect Matthews refused to give up control of his hands and punched and kicked toward the deputy personnel. Sergeant Alvarez reassessed the situation based on Suspect Matthews' actions and determined the use of control holds placed Deputies [redacted] and Jaime Romero at a disadvantage.

Sergeant Alvarez ordered Deputy [redacted] to deploy the X26 Taser. The use of the Taser was also not effective. After avoiding being struck numerous times in the face and body, Deputies [redacted] and Jaime Romero forcibly removed Suspect Matthews by applying control holds to his arms and hands.

As Suspect Matthews exited the closet, Deputy [redacted] controlled Suspect Matthews' right hand as Deputy Jaime Romero controlled Suspect Matthews' left hand. They placed Suspect Matthews along the wall. Suspect Matthews lowered his weight and took Deputies [redacted] Jaime Romero, [redacted] and [redacted] to the floor.

While on the floor, Suspect Matthews was at a substantial tactical advantage. Suspect Matthews' strength was extraordinary that despite the combined effort of four deputies working in concert, Suspect Matthews could not be controlled. Sergeant Alvarez heard the use of the Taser. Sergeant Alvarez did not know who activated the Taser nor if its use was effective. Sergeant Alvarez took control of the 40mm baton launcher and directed Deputy [redacted] to assist and handcuff Suspect Matthews. While the deputies tried to overcome Suspect Matthews' resistance, Sergeant Alvarez heard Deputy [redacted] state Suspect Matthews grabbed his taser.

IAB Note: **Sergeant Alvarez only directed the use of the Taser when Suspect Matthews was inside the closet.**

Deputies were able to successfully handcuff Suspect Matthews. Due to Sergeant Alvarez' position and the shift of the deputies' positions, Sergeant Alvarez did not see which deputy handcuffed Suspect Matthews.

IAB Note: **Sergeant Alvarez used his department-issued cell phone to record the hallway surveillance camera while it was being shown to him by the property manager on her computer monitor. He stated at the time he recorded the footage from the hallway camera, his focus was on his surroundings and not actually watching what was captured on the surveillance camera. Sergeant Alvarez did not observe the strikes administered by Deputy Romero which were captured on the surveillance camera.**

Suspect Matthews was searched and placed in the recovery position. Suspect Matthews was placed on a medical gurney and immediately evaluated by LACoFD Engine #3 personnel and transported to LAC+USC Medical Center via ambulance for further medical treatment.

Sergeant Alvarez notified the Internal Affairs Bureau Lieutenant Jones of the use of force at approximately 1054 hours via phone call.

IAB Investigators discovered [redacted] had spoken to Detective Zeas and Deputy [redacted] prior to the use of force. [redacted] was non-desirous of criminal prosecution

of Suspect Matthews but rather requested assistance with getting him [redacted] services. Sergeant Alvarez stated he was not told [redacted] was non-desirous of prosecution until after the use of force.

IAB Note: Detective Zeas noted in his supplemental report of [redacted] decision to not seek prosecution. Sergeant Alvarez stated he was not made aware of the fact that [redacted] was non-desirous of criminal prosecution of Suspect Matthews until after the incident.

Deputy Hilda Ruiz

On July 13, 2023, Deputy Hilda Ruiz was interviewed by IAB Sergeants Ermina McKelvy and Vincent Vanderhoeven. The interview was conducted at the IAB office. Representing Deputy Ruiz during the interview was Attorney Russell Perry from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh her memory, Deputy Ruiz was afforded the opportunity to review her BWC footage prior to going on record.

Deputy Ruiz was assigned to assist Deputies [redacted] and [redacted] on a call for service. Deputy Ruiz was directed to take a containment position to the left of the location. Upon arrival, Deputy Ruiz heard radio traffic which indicated Suspect Matthews was seen running through the parking garage of the target location.

After a brief search of the location, Suspect Matthews was located inside a closet in an office on the south side of the complex. Suspect Matthews refused to exit the closet. A tactical plan was formulated to remove and detain Suspect Matthews. Deputy Ruiz was assigned to transmit radio traffic as needed.

Prior to executing the tactical plan, MET Deputy Perez arrived on scene and attempted to gain Suspect Matthews compliance to exit the closet. Suspect Matthews did not comply. Sergeant Alvarez directed the arrest team to execute the tactical plan. Deputy [redacted] was directed to open the closet door. Suspect Matthews was pulled out of the closet by Deputies [redacted] and Jaime Romero after the employment of 40mm foam baton round by Deputy [redacted] and the employment of X26 Taser by Deputy [redacted] were unsuccessful.

Deputy Ruiz used her handheld radio to broadcast deputies were involved in a fight. Deputy personnel were able to control and handcuff Suspect Matthews. Deputy Ruiz could not see who handcuffed Suspect Matthews from her position. Suspect Matthews was placed in the recovery position as LACoFD personnel, who were staged outside, were escorted in to render medical aid to Suspect Matthews. Deputy Ruiz observed bruising to one of Suspect Matthews' eyes and blood on the floor.

She reported the use of force she observed to Sergeant Alvarez.

Deputy Enrique Peralta

On July 19, 2023, Deputy Enrique Peralta was interviewed by IAB Sergeants Ermina McKelvy and Ashley Turner. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy Peralta during the interview was Attorney Matt Gelfond from the law firm of Rains Lucia Stern St. Phalle & Silver.

Deputy Peralta worked Unit 27T1 and responded to the location to assist Deputies [redacted] and [redacted] with the apprehension of Suspect Matthews. Upon arrival, he took an exterior containment spot then was ordered to move to an interior containment spot. Deputy Peralta was directed toward the south entrance of the complex to prevent any pedestrian traffic from entering/exiting the building.

Deputy personnel gave Suspect Matthews commands to exit out of the closet. Deputy Peralta heard the employment of the 40mm baton launcher and the employment of the X26 Taser. Deputy Peralta repositioned himself near the north entrance of the complex when he observed [redacted] walk around the exterior perimeter to the north entrance. As Deputy Peralta walked from the south entrance to the north entrance, he walked past the hallway where the use of force occurred. Deputy Peralta briefly noticed deputy personnel on the floor holding Suspect Matthews in the recovery position.

After Suspect Matthews was placed in the ambulance, Deputy Peralta followed the ambulance to LAC+USC Medical Center where he observed bruising to Suspect Matthews' left eye and abdomen.

Deputy Peralta reported his observations and involvement to Sergeant Alvarez.

Deputy Jennifer Romero

On August 31, 2023, Deputy Jennifer Romero was interviewed by IAB Sergeants Ermina McKelvy and Dwayne Javier. The interview was conducted at the Internal Affairs Bureau office. Representing Deputy Jennifer Romero during the interview was Attorney Russell Perry from the law firm of Rains Lucia Stern St. Phalle & Silver.

To refresh her memory, Deputy Jennifer Romero was afforded the opportunity to review her BWC footage prior to going on record.

On January 17, 2023, Deputy Jennifer Romero worked by herself as Unit 26A on AM shift. Deputy Jennifer Romero responded to the location to assist Deputies [redacted] and [redacted] Deputy Jennifer Romero positioned herself at the rear of the location while other deputy personnel searched the interior of the location for Suspect Matthews.

Deputy Jennifer Romero responded to the lobby area near the office where Suspect Matthews was barricaded. Several deputies spoke with Suspect Matthews through the closed closet door. Deputy Jennifer Romero could not hear Suspect Matthews'

response to the deputies request to exit the closet, but he did not exit the closet as requested.

When Deputy Jennifer Romero repositioned herself at the south entrance of the complex, she heard loud movement nearby. Deputy Jennifer Romero looked down the hallway and noticed deputies on the floor at a door. Deputy Jennifer Romero could not see Suspect Matthew through all the deputies who were on the floor.

Deputy Jennifer Romero heard [redacted] scream from the exterior door near Deputy Peralta. Deputy Jennifer Romero walked toward Deputy Peralta to assist if needed.

After the use of force, Deputy Jennifer Romero followed the ambulance who transported Suspect Matthews to LAC+USC Medical Center where he was treated for his injuries. Deputy Romero observed bruising on Suspect Matthews' left eye.

Deputy Jennifer Romero reported her actions and observations to Sergeant Alvarez.

Deputy Juan Perez

On October 16, 2023, Deputy Juan Perez was interviewed by IAB Sergeants Ermina McKelvy and Dwayne Javier. The interview was conducted at the Internal Affairs Bureau office.

Deputy Perez worked on the Mental Evaluation Team (MET) along with Department of Mental Health Clinician [redacted] They were assigned to East Los Angeles Station. While monitoring East Los Angeles Station's radio frequency on January 17, 2023, he heard a broadcast that deputies were following Suspect Matthews who had [redacted] Deputy Perez and Clinician [redacted] self-dispatched the call.

Upon arrival, Deputy Perez was briefed about the call then he spoke to Suspect Matthews to de-escalate the situation. Deputy Perez said Suspect Matthews was agitated, slightly [redacted] and lacked insight. Suspect Matthews was triggered by [redacted] and he denied stealing her vehicle. Suspect Matthews claimed he owned the building then said he was homeless and did not have any money.

Suspect Matthews also told Deputy Perez he had armed himself with a broom and challenged deputy personnel to fight. Based on the above observations, Deputy Perez formed the opinion that Suspect Mattews met the criteria for a [redacted] hold as he was a danger to deputy personnel. If Suspect Matthews had not been wanted for a crime; Deputy Perez would have taken Suspect Matthews on a [redacted] hold.

After he relayed his opinion to Sergeant Alvarez, Deputy Perez and Clinician [redacted] walked outside the building and waited on the sidewalk in case they were needed. Deputy Perez did not hear any commands given to Suspect Matthews nor did he

witness the use of force. Deputy Perez saw blood on one side of Suspect Matthews' face as he was placed in the ambulance; however, Deputy Perez had no further contact with him.

Clinician [redacted]

On October 16, 2023, Clinician [redacted] was interviewed by IAB Sergeants Ermina McKelvy and Dwayne Javier. The interview was conducted at the Internal Affairs Bureau office.

Clinician [redacted] indicated she did not speak with Suspect Matthews; however, she was in the room periodically as Deputy Perez attempted to gain his compliance. Clinician [redacted] received Suspect Matthews' [redacted] from the Department of Mental Health's triage desk and briefly spoke with [redacted] concerning his [redacted] Based on the information she received coupled with Suspect Matthews' unpredictable behavior, she formed the opinion that it would not be responsible of her to recommend deputy personnel leave Suspect Matthews at the location.

Upon relaying her recommendation to Sergeant Alvarez, she and Deputy Perez waited outside the complex on the sidewalk. She did not witness the use of force.

ADDITIONAL INTERVIEWS

The following civilians were interviewed by Sergeant Alvarez and were captured on his body-worn camera **[Exhibit C]**. Their statements to Sergeant Alvarez were consistent with BWC footage and what was reported by personnel.

[redacted]

Adam Keuilian, LACoFD

Troy Huskey, LACoFD

Kevin Brown, LACoFD

Thomas Boulware, LACoFD

SUSPECT

On January 17, 2023, Suspect Eli Matthews was interviewed IAB Sergeant Ermina McKelvy and Argelia Huerta, at the East Los Angeles Station Jail.

Suspect Matthews stated he had previously been [redacted]

Suspect Matthews was standing outside the parking garage smoking a cigarette when the deputies arrived. Suspect Matthews went inside his building through the stairwell and the deputies followed him. Suspect Matthews said the deputies did not give him a reason why they wanted to speak to him, so he went into an office in the front and hid in the closet because he did not know why the deputies followed him.

Suspect Matthews heard the deputies tell him to put his hands up, but he wanted to know the reason for them being on the premises. Suspect Matthews said the deputies did not have a warrant therefore they were there illegally.

Suspect Matthews was on the phone with his [redacted] before he was contacted by deputies. [redacted] asked him for her car key, but Suspect Williams did not have the key and that her car was in the garage. [redacted] told Suspect Matthews she was going to call the police and tell them he stole her car.

When Suspect Matthews opened the closet door to exit, the deputies shot him with the bean bag, tased him, and "jumped" him. Suspect Matthews was punched on the left side of his face by a deputy who was on his left side.

Suspect Matthews thought there were eight deputies involved in the use of force with him. The deputies told Suspect Matthews to stop resisting; however, he was not resisting. Suspect Matthews had his hands behind his back the whole time. Suspect Matthews received medical treatment on scene immediately after the use of force and was taken to the hospital for further treatment by a physician.

ADDITIONAL INFORMATION

IAB Investigators reviewed the supplemental report of Detective Xavier Zeas and found its contents to be a complete and accurate description of events captured on his body-worn camera footage. At the time of this investigation, Detective Zeas was no longer employed by the Department and was unavailable to participate in an interview.

WITNESS INTERVIEW

DEPUTY [redacted]

McKelvy: Good morning. Today is July 13th, 2023. The time is 0920 hours. I'm Sergeant Ermina McKelvy, and with me is Sergeant Terrence Smith. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau, which is under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's Office, which is in the city of Commerce in Interview Room A. This is an involved-employee interview regarding a force investigation under IAB force number FO2570670. Today, being interviewed...and the incident occurred on January 17th, 2023. Being interviewed today is Deputy [redacted]. Deputy [redacted] please state and spell your first and last name for the record along with your employee number.

[redacted] [redacted] last name, [redacted] Employee number, [redacted]

McKelvy: And representing Deputy [redacted] today is...

Perry: Russell Perry. Last name, Perry, P-E-R-R-Y.

McKelvy: Thank you. And for voice recognition, again, my last name is spelled M-C-K-E-L-V-Y.

Smith: And I'm Sergeant Terrence Smith, S-M-I-T-H.

McKelvy: Deputy [redacted] prior to going on record, I provided you with an Administrative Rights, Force Investigation form. Did you have an opportunity to read the form?

[redacted] Yes, ma'am.

McKelvy: Did you understand the form?

[redacted] Yes, ma'am.

McKelvy: And I see that you did check yes on both boxes stating that you do have the Policy and Ethics Chapter of the Manual of Policy and Procedures, and you are familiar with its contents. Is that correct?

[redacted] Yes, ma'am.

McKelvy: Did you sign and date the form?

[redacted] Yes, ma'am.

McKelvy: Also, prior to going on record, I read you a video admonishment regarding the body-worn camera footage of the incident...your body-worn camera footage. Did you have an opportunity to review your footage?

[redacted] Yes, ma'am.

McKelvy: Also, did you review your body-worn camera footage prior to writing your supplemental report?

[redacted] Briefly.

McKelvy: All righty. So how long with...have you been with the Sheriff's Department?

[redacted] For 14 years and 11 months.

McKelvy: Can you give me a brief history of your assignments while being on the, on the Sheriff's Department starting with your academy class number?

[redacted] I started off [redacted] It was Class [redacted] That was in 2008, [redacted] And...

McKelvy: When did you go to [redacted]?

[redacted]

McKelvy: [redacted]

[redacted]

McKelvy: [redacted]

[redacted]

McKelvy: [redacted]

[redacted]

McKelvy: Got it. All right. So, you were...you went to [redacted]

[redacted] Yes, ma'am.

McKelvy: What happened after...

[redacted] And then I transferred to East LA Station May of 2017, and I've been there since.

McKelvy: All righty. So, on January 17th, 2023, were you assigned to East LA Station?

[redacted] Yes, ma'am.

McKelvy: What was your assignment that day?

[redacted] As far as unit?

McKelvy: Yes, sir.

[redacted] Do you mind if I reference my supp?

McKelvy: Not at all.

[redacted] I was 23, Unit 23.

McKelvy: Did you have a partner?

[redacted] Yes, ma'am.

McKelvy: Who was your partner?

[redacted] Deputy [redacted]

McKelvy: Were you wearing a uniform identifiable as a deputy sheriff on that day?

[redacted] Yes, ma'am.

McKelvy: So, this force review involved an incident that occurred at [redacted] Whittier Boulevard. Did you respond to that location?

[redacted] Yes, ma'am.

McKelvy: What was the nature of the call?

[redacted] The nature of the call was a stolen vehicle suspect call for service.

McKelvy: Were you the, the handling unit?

[redacted]**:** Yes, ma'am.

McKelvy: What did the call...what information was given in the call?

[redacted] That the suspect was at the location and the suspect was standing in front of the, of the location.

McKelvy: While en route to the call, did you coordinate?

[redacted] Yes, ma'am.

McKelvy: What, what assignments were you giving to the responding units?

[redacted] We set up a, a rally point prior to our arrival. Additionally, we also coordinated...you know, if anyone had less lethal, go ahead and deploy, if necessary. And then once we had sufficient units, then we went and made our approach.

McKelvy: Where was the rally point?

[redacted] I don't recall.

McKelvy: The coordination, was that done over the radio?

[redacted] Yes, ma'am.

McKelvy: Which frequency?

[redacted] L-TAC.

McKelvy: How many units were assigned to the call?

[redacted] I don't recall.

McKelvy: Was it a priority call?

[redacted] Yes, ma'am.

McKelvy: Deputy [redacted] was he on training...you said [redacted] was your partner?

[redacted] Yes, ma'am.

McKelvy: Was he on training that day?

[redacted] No, ma'am.

McKelvy: [redacted]

[redacted] Yeah.

McKelvy: Was there any additional information in the call as far as description of the suspect?

[redacted] Yes, ma'am.

McKelvy: What did they...what did the call say?

[redacted] It described the suspect to be wearing a blue-colored robe.

McKelvy: Is it a female or male?

[redacted] Male.

McKelvy: Did it give you a race?

[redacted] Yes, ma'am. Male, Black.

McKelvy: Any physical description?

[redacted] Not that I recall.

McKelvy: Anything in regards to his [redacted]?

[redacted] No, ma'am.

McKelvy: Anything related to drug usage?

[redacted] No, ma'am.

McKelvy: Had you been to [redacted] Whittier Boulevard prior to this call?

[redacted] Yes, ma'am.

McKelvy: Were you familiar with the location and the layout?

[redacted]**:** Vaguely.

McKelvy: Do you remember what the...what the service...I mean, the reason why you had, had been there before?

[redacted] I don't recall.

McKelvy: Was the suspect named in the call?

[redacted] Not that I recall.

McKelvy: How long did it take you to get to the location once the call was dispatched out to you?

[redacted] I would say approximately 10 minutes, maybe less than that.

McKelvy: And en route to this call, were you the passenger or the driver?

[redacted] I do not recall.

McKelvy: And when you get to the location, what did you see?

[redacted] When we got to the location, we did not see the suspect.

McKelvy: Were you the first unit on scene?

[redacted] Me and additional assisting units.

McKelvy: How many?

[redacted] I don't recall.

McKelvy: Do you feel like you had enough units on scene to make contact with the suspect?

[redacted] Yes, ma'am.

McKelvy: So, you said the suspect was not outside?

[redacted] No, ma'am.

McKelvy: Do you know where he was?

[redacted] At the time, no, ma'am.

McKelvy: Did...when you arrived, you said you were there along with assisting units.

[redacted] Yes, ma'am.

McKelvy: Where did you approach first when you, when you got to the scene?

[redacted] At the location where the suspect was allegedly found,and which was in front of the residence at [redacted]

McKelvy: So, you're right on Whittier Boulevard?

[redacted] Yes, ma'am.

McKelvy: When you got there, had anyone else...had anyone made contact with the informant yet?

[redacted] No, ma'am.

McKelvy: Are you saying that you and the assisting units arrived at that location all at the same time?

[redacted] Yes, ma'am.

McKelvy: So, you didn't see the suspect there. What happened next?

[redacted] From there, we went...I don't recall whether we had our desk personnel contact the informant or...and had them step down, or we actually just went straight up to their unit. I do recall going straight up to the unit, but I don't know what took place in between that.

McKelvy: So, the last-known location of the suspect according to the call was that he was out front?

[redacted] Yes, ma'am.

McKelvy: So, you went to the informant. What, what happened when you went to the informant?

[redacted] We went upstairs. We took the elevator up to the [redacted], which is where the [redacted]/[redacted] When we contacted her, you know, acknowledged that [redacted] of the suspect. The suspect, [redacted] had taken her vehicle without her consent, and she had reported it, her vehicle, as stolen the night prior.

McKelvy: Did she give you the age of the suspect?

[redacted] She did provide me with the suspect's information.

McKelvy: How old was he?

[redacted] That I don't recall. Let me see… I don't recall the suspect's age. I'm gonna have to reference back to the 49 to see his age. But I don't recall it. But I know he was an adult (talking over)...

McKelvy: Oh, he was an adult according...

[redacted] Yes, ma'am.

McKelvy: All right. And then just for clarification, you mentioned 49. That would be the, the incident report?

[redacted] The report. Yes, ma'am.

McKelvy: Did she give you any additional information as far as what the suspect looked like? Even, like, his height, his weight?

[redacted] I want to say she did, but I don't recall specific details.

McKelvy: The information that she gave you, was that disseminated between the other deputies who were on scene?

[redacted] I don't recall.

McKelvy: What happened next?

[redacted] While I'm talking to the, the victim, one of the deputies had observed...had seen the suspect in some part of the complex. I don't recall specifically where. I want to say in the parking lot area, I believe. So...

McKelvy: How were you made aware of that?

[redacted] Through our handheld radio. We hear radio transmission that deputies...I don't know if they observed or they saw, you know, the suspect near the garage area. That's when they activated the, the patch. And all this information started coming to light.

McKelvy: Which information are you referring to?

[redacted] In that they had seen the suspect, you know, near the garage. And then they started coordinating with other units to secure the, the perimeter.

McKelvy: Ok

[redacted] At that point, that's when I had information from the [redacted] the victim that the suspect was [redacted].

So I ended up putting that information out on the radio. And that way, you know, deputy personnel can have that pre-existing knowledge.

McKelvy: Ok. And what happened next?

[redacted] Aero was overhead. I don't know what...exactly what communication. It was, it was...the communication was very...it was in and out because the radio reception where I was at, it was choppy. So I wasn't able to copy everything that was being transmitted. But all I recall was that we lost observation of the suspect, and that was it.

McKelvy: And then again, are you saying that when you're...you and [redacted] were speaking with the informant, someone put out over the radio that they saw the suspect?

[redacted] Yes, ma'am.

McKelvy: Who was that person?

[redacted] I don't recall.

McKelvy: You want to check your report? And, and I'm going to have to let you know that it's okay for you to refresh your memory with your report.

[redacted] Okay.

McKelvy: You don't have to remember everything by heart.

[redacted] It was Detective Zeas.

McKelvy: Detective Zeas, was he assigned to East LA Station?

[redacted] Yes, ma'am.

McKelvy: And how are...how do we spell Zeas' name?

[redacted] It's gonna be Z, as in zebra, E-A-S.

McKelvy: All right. So then you, you relayed that, that he had...that the suspect had some [redacted].

[redacted] Yes, ma'am.

McKelvy: And did the informant give you an indication on how the suspect's demeanor was being that he [redacted]?

[redacted] Not that I recall.

McKelvy: All right. So what did...what else did you do after that? You said you were able...unable to hear everything, but what else did you do after that point?

[redacted] From there, while deputy personnel, they're communicating, my partner...and my partner ended up taking off to, you know, try to help deputy personnel that were down on the ground. I actually proceeded to go down to the parking lot structure with the victim to...

McKelvy: What'd you do there?

[redacted] ...to make sure that the vehicle was there and, you know, if anything, any possible sightings to see if the suspect was down there as well. We went down to the garage. I saw the vehicle. It was...a couple doors were opened. However, he was not in there. There was no sighting of the suspect.

McKelvy: At that point, seeing the vehicle there, was the informant still desirous of prosecution of her [redacted] for ste...for taking the car the night before?

[redacted] Yes.

McKelvy: Go ahead.

[redacted] From there, that's when, like I said, radio reception was kind of choppy. But I ended up going to the lobby area where I heard...that was the last, you know, area where the deputies were at. Then that's when I received information that the, the suspect had ran into one of the offices for the building management and had ran inside a small, little, compact closet, which was located inside the office from that office building management office.

McKelvy: So, you went to the lobby. Was the informant with you at...in the lobby?

[redacted] Yes, ma'am.

McKelvy: Do you have anything so far?

Smith: No, not yet.

McKelvy: So, you get to the lobby. Do you have a visual on any ar...of the suspect or the location where he was in that closet area?

[redacted] Location, yes. Suspect, no.

McKelvy: And who else was down there?

[redacted] Several deputy personnel.

McKelvy: At that point, had a sergeant arri...a sergeant arrived on scene yet?

[redacted] Yes, ma'am.

McKelvy: Which sergeant was that?

[redacted] Sergeant Alvarez.

McKelvy: Was there any other uninvolved citizens or residents in, in the lobby area when you got there?

[redacted] That I recall, no.

McKelvy: So, what happened at that point knowing that the suspect was in the closet?

[redacted] We're trying to establish a line of communication with him.

McKelvy: How?

[redacted] Talking to him, asking him to, you know, come out. We also utilized [redacted] who was around the corner, see if she can actually try to talk to him. You know, get him out.

McKelvy: And where was...were you there with her while she was speaking with the suspect?

[redacted] Yes.

McKelvy: So, what was she saying to him?

[redacted] I don't know verbatim, but I know she was pretty much trying to tell him to come out, you know, and just pretty much go with the flow (talking over)...

McKelvy: And what was his response?

[redacted] He was...I could barely hear him. He was all, like, muffled.

McKelvy: So, where were you exactly when she was talking to him?

[redacted] I was right next to her.

McKelvy: But when he was talking back to her, you...he was not loud enough to hear through the door?

[redacted] No. Because she was closer to the door. And there's...obviously, our radio's going off, and you know, there's commotion, several deputies in there. So...and it's a small, little, compact office, probably a little bigger than this room.

McKelvy: You're describing this room. I would say, what, about maybe 15 by 12?

Smith: Close to that, I guess. It's probably 10 feet that way and 8 feet this way, I'm thinking. Or maybe 10 by 10. I, I don't know. Something close to that.

McKelvy: And so inside this office space, there was a space that had an enclosed closet?

[redacted] Yes, ma'am.

McKelvy: That office, was it one way in, one way out?

[redacted] Yes, ma'am.

McKelvy: Whose office was it?

[redacted] Building management.

McKelvy: All right. So, you're the handling unit. You, you and the [redacted] were trying to get the suspect out. Was anybody else trying to talk to him?

[redacted] Yes. Also our sergeant, Sergeant Alvarez, was attempting to communicate with him.

McKelvy: What happened next?

[redacted] Sergeant Alvarez had requested for the mental evaluation team to our location.

McKelvy: Did they respond?

[redacted] They responded. They arrived on the scene.

McKelvy: How long did it take for them to get there?

[redacted] I don't recall, but it was pretty quick.

McKelvy: Oh, it was quick? Perfect.

[redacted] Yes, ma'am.

McKelvy: Do you remember the, the...who responded?

[redacted] Do you mind if I reference my (UNINTELLIGIBLE). I don't know, I don't know my (UNINTELLIGIBLE). It was MET unit, Henry-119, Adam-1, which is Deputy Perez, first initial, J, John. And it's an employee number of [redacted]

McKelvy: Were you, were you in the office when the MET team engaged with the suspect?

[redacted] Yes, ma'am.

McKelvy: Tell me what happened.

[redacted] Well, that mental evaluation team deputy arrived with a clinician as well. And they both attempted to talk to the suspect, get him to come out. I don't know exactly verbatim what was said, but it was in the scope of, you know, just trying to establish some line of communication with this individual and just get him to, you know, just comply with all orders and come out.

McKelvy: Could you hear what the suspect was saying? Excuse me.

[redacted] No, ma'am. I was not that...I, I mean, I wasn't close to the door. So it's...so it made it kind of difficult.

McKelvy: How far away from the door were you?

[redacted] Approximately three to five feet.

McKelvy: So, from three to five feet, you couldn't hear the suspect?

[redacted] No, ma'am.

McKelvy: And was it safe to, safe to assume then at that point, he was not yelling?

[redacted] I mean, it could be him not yelling, him talking low, not only that, you know, deputies were at the dep...the mental evaluation deputy and the clinician, they're relatively close to the door. I mean, they were probably less than a foot. So...and they had a difficult time hearing and understanding.

McKelvy: So, who else, as far as deputy personnel, were in the office while these negotiations were taking place?

[redacted] Initially, I do not recall who else was in there other than the people that are here on the report.

McKelvy: And who were them?

[redacted] So, it was Deputy Perez, the one I mentioned, Sergeant Alvarez, Deputy [redacted] Deputy Romero, Deputy [redacted], and Deputy Ruiz.

McKelvy: And it was my understanding there's...there are more than one Romero on scene that day?

[redacted] I, I don't recall if the...

McKelvy: Is there...

[redacted] ...if there was mo...two Romeros at the station. I don't recall whether (talking over).

McKelvy: Are they both, are they both male or both female?

[redacted] No. One is a male, one is a female. I do recall the male being there, but I don't...I do not recall the female being there.

McKelvy: Thanks for that clarification. So, the MET team, how long would you estimate that they were attempting to convince the suspect to come out of the closet?

[redacted] I'm going to say they were there roughly si...like, five minutes.

McKelvy: And at most, what?

[redacted] Ten.

McKelvy: What happened after the, the estimate 10-minutes with MET team?

[redacted] They were ineffective. So, we once again tried to, you know, establish some form of communication with the suspect.

McKelvy: “We” meaning whom?

[redacted] Deputy personnel, sergeant, including myself, in the room...

McKelvy: So did...do you know if all the deputies tried to talk to this guy?

[redacted] I don't know if they all individual...I, I, I know it was, like, multiple...like, aye, come out, then, aye, come out. You know, just...

McKelvy: And you're indicating to me...sorry to cut you off...you're indicating what I would assume is two different deputies. Like, when you say, aye, that's one deputy that tried.

[redacted] Yes.

McKelvy: Aye, that's another deputy that tried?

[redacted] Yes, ma'am.

McKelvy: Okay. Go ahead.

[redacted] And that was pretty much it.

McKelvy: So, at that point, what was the, the course of action?

[redacted] Our plan was to open the door and try and kind of let the suspect come out and apply handcuffs on him.

McKelvy: Who came up with that plan?

[redacted] That was a plan that myself, being the handling unit, and the sergeant agreed to.

McKelvy: So, this is a plan that you came up with, and did it involve the deputies that you mentioned?

[redacted] Yes, ma'am.

McKelvy: Were there individual assignments given to each deputy?

[redacted] Yes, ma'am.

McKelvy: Can you elaborate on that?

[redacted] I don't recall specific assignments. But usually, what we do is when we have something like that is, you know, we're gonna delegate...or the handling unit, you know, someone to utilize less lethal in the event that, you know, you use less lethal, someone to go hands-on, and you know, control holds, apply handcuffs, someone to utilize a handheld radio to put out whatever necessary radio traffic. And in the event that it escalates and

resorts to the final outcome of potentially using lethal, we have someone also assigned to that.

McKelvy: Who was assigned as the less lethal?

[redacted] Like I said, I don't recall that.

McKelvy: Which method of less lethal equipment was assigned?

[redacted] What we readily had available there was a taser, a 40-millimeter baton, and that was it.

McKelvy: Who was assigned hands-on?

[redacted] Like I said, ma'am, I don't recall.

McKelvy: What about the radio?

[redacted] I do not recall.

McKelvy: And lethal?

[redacted] I don't recall anyone's assignments.

McKelvy: So, let me take you back to the beginning of our conversation. You were able to review your body-worn camera footage, correct?

[redacted] Yes, ma'am.

McKelvy: And in that footage, there was some direction given, yes?

[redacted] Yes, ma'am.

McKelvy: You don't remember what you rea...what you saw?

[redacted] No, ma'am.

McKelvy: That's okay.

[redacted] I was just paying attention to the movement or not.

McKelvy: No worries. All right. So, once you came up with the plan, everybody...the different assignments were given out. What happened next?

[redacted] From there, one of the deputies...I want to say Deputy [redacted]..attempted to open the door multiple times, which he had a

difficult time. But eventually, after multiple tries, was able to open the door. And then from there, I attempted to communicate with the suspect to get him to come out, you know, so we can apply handcuffs on him. Simultaneous, him and Deputy Romero, we both tried to reach into the closet and attempt to grab onto the suspect and pull him out of the closet.

McKelvy: So, in that attempt, what happened?

[redacted] Deputy Romero grabbed onto the suspect's left robe sleeve and attempted to pull him out.

McKelvy: Let me pause you, real quick. I want to go back, real quick, because I don't want to get to further on to have to come back. You have your report there?

[redacted] Yes, ma'am.

McKelvy: I need you to refer to your report because I do want to get this on record. In regard to the plan of action, I asked you who was assigned less lethal, hands-on, radio, and lethal. In your report, there is indication of at least a couple of those assignments articulated that you could articulate for me on the record. So again, review your report and, and indicate to me which deputy was assigned less lethal and what equipment that was.

[redacted] So, on this report, Deputy [redacted] had the baton, the 40-millimeter.

McKelvy: All right, okay. So Deputy [redacted] was finally able to get the door opened?

[redacted] Yes, ma'am.

McKelvy: Then you see the suspect?

[redacted] Yes, ma'am.

McKelvy: Where is he?

[redacted] The suspect is...if we're looking west...or if we...if we're looking into the room, the suspect was on the right-hand side of the room, right at the right corner of the closet.

McKelvy: Which way does the door open?

[redacted] The door opens to the left. So, it would open...if we're facing the door...if we're facing the room to the west, the door opened...the do...sorry, the knob is to the right-hand side, and it opens, and it goes towards the south.

McKelvy: And you see the suspect, and the suspect is in...basically in the right side of that space in the closet?

[redacted] Yes, ma'am.

McKelvy: How big is this closet?

[redacted] I would say approximately maybe three by four feet.

McKelvy: What could you...what, what was in there? Was it empty or filled with things?

[redacted] The closet had cleaning supplies. It had clerical supplies. I don't know specifically what else the content of that closet was.

McKelvy: Was there anything in that closet that you could see once the door was opened that caused you any concern?

[redacted] Yes, ma'am. There was a broomstick that was in there.

McKelvy: Where was the broomstick?

[redacted] It was, I wanna say, within immediate reach to the suspect's right-hand side. So, the suspect is...if we're facing the suspect, he...like I said, he's gonna be on the right side of the, of the room. So...and he's facing us. So, his right side would be our left.

McKelvy: Anything else in there?

[redacted] Chemicals. Like I said, clerical stuff.

McKelvy: As the door...as Deputy [redacted] was attempting to get the door opened and eve...even, you know, leading up to that attempt, what was the suspect's demeanor that you could hear, or was he saying anything to you guys through the door?

[redacted] Through the door or while the door was opened?

McKelvy: Through the door before you were able to.. [redacted] was able to get the door opened?

[redacted] I, I don't, I don't recall prior to opening the door.

McKelvy: So, when the door was opened, you see the suspect. Give me a physical description of what you're seeing of him.

[redacted] I see the suspect matching the description on the call. He...the suspect is wearing a blue robe, which clearly stands out because that was something that was on the call. He doesn't seem to be complying with our commands. We're asking him to step out.

McKelvy: Let me, let me, let me stop you a little bit.

[redacted] Yes, ma'am?

McKelvy: How tall is he now?

[redacted] I can't see how tall he is because he's, he's leaning towards the back wall. He's partially standing up but partially leaning, from what I recall.

McKelvy: Can you give me an estimate of what...I mean, did he appear to be under five-feet? Over six-feet?

[redacted] No. No. He was...he seemed like a good size. He was probably, I would say, between five-ten and six-feet tall.

McKelvy: What about his weight?

[redacted] Easily over 210, 220 pounds.

McKelvy: Did he have anything in his hands?

[redacted] At that time, I...like, when the door first opened or...

McKelvy: When you, when...your first time getting a, a visual of him, did you see if he had anything in his hands?

[redacted] I don't recall.

McKelvy: So, once you saw him, what was going on...what was going through your mind when you guys were first able to see what the suspect looked like and what was in his immediate, immediate vicinity? What was going on in your mind when you saw him?

[redacted] He's going to put up a fight. You know, he's resistant this long. My biggest thing is, you know, let's just get this guy out and be done with it. You know, apprehend the guy, place him in handcuffs, in a safely manner and, you know, just go from there.

McKelvy: So, was there any one of the deputies involved that was assigned to be the contact person with the suspect verbally?

[redacted] Yes. Probably...that probably would've been me, you know, given that it's my handle. So, I...ideally, I...if I'm...you know, if it's my handle, I want to be the primary and sole contact.

McKelvy: Is that what occurred when the door was opened?

[redacted] Yes. I was attempting to contact him, establish a line of communication.

McKelvy: What did you tell him?

[redacted] To just step out of the room.

McKelvy: What did he do or say in response to your request?

[redacted] I don't recall verbatim, but he did not comply. And he stayed...he remained in the closet.

McKelvy: And what happened next?

[redacted] Do you mind if I re...reference to the...okay. So, do you mind if I go back...

McKelvy: Not at all.

[redacted] ...just...okay. So, when the door first initially opened, we did give verbal commands. He refused to comply with them. Under the direction of Sergeant Alvarez...let's see...Deputy [redacted] deployed one baton projectile at Suspect Matthews, which would appear to be ineffective.

McKelvy: Where was Deputy [redacted] standing in relationship to where you were standing?

[redacted] He was...you know what? I don't recall just because I know that I have deputies behind me. And I was practically in front of the door, so I don't see exactly where people's specific position was at. But...

McKelvy: So, when [redacted] de...deployed the baton, he would've deployed it from behind you?

[redacted] No. When he deployed it, I mean, he eventually ended up going along beside me, and I moved off to the side...

McKelvy: So, which side...

[redacted] ...in a safe manner. So he...when he deployed the baton, he deployed it from my left side, which would be closest to the south wall of the, of the room.

McKelvy: So, one round. Could you see where that round hit?

[redacted] No, ma'am.

McKelvy: Was it...did it...was the result of that one round being deployed...did the suspect come out of the closet?

[redacted] No, ma'am. It was ineffective.

McKelvy: Well, what happened next?

[redacted] Deputy [redacted] was directed again to deploy another round. And it still appeared to be ineffective.

McKelvy: Do you know if either of those two rounds hit the suspect?

[redacted] I would assume yes to...

McKelvy: How so?

[redacted] Because the, the round, it's, it's a relatively large-sized round. And it was within, I would say, two to three feet of the, the individual. So, I mean, it's pretty difficult not to make contact unless you're pointing it at the opposite direction.

McKelvy: So, after the second projectile was deployed toward Suspect Matthews and, and he still wouldn't come out, what was the next plan of action?

[redacted] Deputy Romero and myself reached in in an attempt to pull the suspect out of the room.

McKelvy: From what you saw of the suspect and his demeanor up until that point, was he exhibiting any signs of being in [redacted]?

[redacted] No.

McKelvy: From what you could see, how he was behaving, how would you describe his demeanor?

[redacted] He was just passive, just, you know, wanting to be left alone.

McKelvy: So, how did you attempt to get the suspect out of the closet?

[redacted] By reaching in and grabbing him out, pulling him out.

McKelvy: With both hands?

[redacted] Yes, ma'am.

McKelvy: And how...what, what part of his body did you grab?

[redacted] I attempted to grab onto his right arm...or I wanna say right wrist area and forearm and tried to pull him out that way while Deputy Romero simultaneously was reaching towards his left arm and pulled him out.

McKelvy: And you're...you and Deputy Romero's attempt to pull the suspect out at that point, how much room did you have to maneuver?

[redacted] I mean, we were shoulder to shoulder. We did not have no room. I mean, it's a pretty compact space. So, we're trying...we're, we're, like, blading our torsos to make contact with the suspect.

McKelvy: So, what happened at that point?

[redacted] Let's see. The suspect was...he began to push away from us and attempted to punch us.

McKelvy: Did he...was he successful in punching either of you?

[redacted] No, ma'am.

McKelvy: What happened next?

[redacted] Deputy...oh, let's see here. Deputy Romero removed himself from being alongside me. And then, that's when my partner, Deputy [redacted] took over his place and deployed his taser.

McKelvy: From where you could...from in front of where you were, could you tell if that was an independent action on Deputy [redacted] or was it directed?

[redacted] I don't recall whether it was directed or independent.

McKelvy: And while he was using the taser to drive stun, where were you?

[redacted] I was standing to the left side of, of Deputy [redacted]

McKelvy: Where did Deputy [redacted] make contact with that drive...that taser onto the suspect's body?

[redacted] I don't recall whether it was the center torso or one of his arms.

McKelvy: And what happened then? When did it...did the drive stun give the desire effect of compliance?

[redacted] No. The suspect then had a bag that...in which was inside the closet, and he threw it towards our direction.

McKelvy: What kind of, what kind of bag was it?

[redacted] It appeared to be a black trash bag. And then that's when my partner, Deputy [redacted] re-engaged. He used a taser. He fired a round in the center torso of, of the suspect, which appeared to be slightly effective.

McKelvy: So, the suspect had on a robe.

[redacted] Yes, ma'am.

McKelvy: This blue robe, was it loosely fit on his body, or was it tight or...

[redacted] No. It was loose.

McKelvy: And did he have any other clothes on under the robe?

[redacted] Yes. He had pants and a, a T-shirt.

McKelvy: So, when Deputy [redacted] deployed...employed the taser, not, not as the drive stun, but just deploying the, the prongs, it seemed to have somewhat of an effect?

[redacted] [redacted], ma'am.

McKelvy: What effect is that?

[redacted] It partially stiffened up the suspect.

McKelvy: What happened with that?

[redacted] And then from there, we, we lunged in...or lunged into the closet and immediately pulled him, the suspect, out.

McKelvy: Who is "we?"

[redacted] Deputy Romero and myself.

McKelvy: And what happened next?

[redacted] So, the suspect broke away from Deputy Romero's grip and went back into the closet...or partially into the closet. I reached in again, and I managed to, you know, wrap my arms around his center torso area and then brought him out...bringing the suspect out of the closet and attempted to place him flat against the west-facing wall of the room which is just north of the closet door opening.

McKelvy: When you wrapped your arms around the suspect, was he being resistive?

[redacted] Yes, ma'am.

McKelvy: What was he doing?

[redacted] He was just flailing his arms and, you know, just moving his body side to side.

McKelvy: Did he say anything?

[redacted] No, ma'am.

McKelvy: At that point, did you see anything in the suspect's hands?

[redacted] While we're making contact with him, no.

McKelvy: Did he ever pick the broom up...the broomstick up?

[redacted] No, ma'am. Not that I recall.

McKelvy: And so, you get him against the wall, were you the only one that, that had made contact with him pulling him out that second time and putting him against the wall, or did you have assistance from one of the other deputies there?

[redacted] I wanna say initially it was just myself.

McKelvy: And then what happened then?

[redacted] And then like I said, he's moving his arms, flailing his body, going side to side. And then he dropped his weight. And with the momentum, myself along with three additional deputy personnel, we all fell onto the ground.

McKelvy: And how did the suspect's body land on the, on the floor?

[redacted] I don't recall whether it was on the side. But, we eventually managed to place him onto his stomach area.

McKelvy: What happened next?

[redacted] While he's down on the ground, he's still actively resisting us. We're trying to get his arms and place them behind his back in an attempt to apply handcuffs. And he had...I wanna say, he had them tucked underneath his chest. He, he was...I mean, he was pretty strong. He was kind of like...like, doing like a push-up motion if you will, attempting to get back on his feet. So, what I ended up doing was, since I was on top of him...I was on top of his back...I just, pretty much, positioned my body on top of his and mirrored his movements in an attempt to, you know, just use my body weight as leverage to try to subdue him from moving around.

McKelvy: At what point were you on top of the su...the suspect? He, he dropped his weight...

[redacted]**:** The second...the, the second we dropped down on the ground, you know, we were all down on the ground. And I just positioned myself on top of the suspect once he was on his stomach.

McKelvy: Got it. All right. So, you're trying to use your weight against his weight?

[redacted] Yes, ma'am.

McKelvy: And what was the result of those actions?

[redacted] He...I felt as if it was, it was helping out. His resistance was lessening. And, and then that's when...from what I can recall, one of the deputies managed to, you know, grab his left arm and apply a handcuff. And then a couple other deputies on the right-hand side managed to grab his right arm, place it on his back, and then subsequently handcuff him.

McKelvy: So, in this motion that you described as a push-up motion that the suspect was doing, was he able to extend his arms straight...you know, all the way straight into a full push-up position?

[redacted] No. I would not say to a full push-up position. But halfway.

McKelvy: So, when the left arm was successfully pulled from under his body, who pulled the arm out?

[redacted] I do not recall just because of my positioning . Let's see. I don't recall on the left side. Just like, like I said, my, my focus was, you know, just obviously keeping him down and just because, I mean, it's such a tight

space. I didn't have, you know, space to look around. I mean, my focus was primarily just on his back, and I'm just looking at his upper back and his...I was practically looking, like, at his upper back, if you will.

McKelvy: I understand. So, when that left arm had the handcuff placed on it, what happened with that left arm?

[redacted] The left arm, I wanna say...yeah. The left arm and the left wrist, once there was a handcuff applied to it, I don't recall who the deputy was. They pretty much, you know, handed me off the wrist. So, I held onto the wrist.

McKelvy: And was the suspect being resistive at that point?

[redacted] Not on my side.

McKelvy: And then you said someone was able to get the right arm from under him?

[redacted] Yes, ma'am.

McKelvy: And who did that?

[redacted] Deputy [redacted] and Deputy [redacted], they gained control of the suspect's right arm. And then I don't recall, but I want to say...yeah, Deputy [redacted] ended up applying one handcuff onto the other. I wanna say we utilized two sets of handcuffs.

McKelvy: And why did you use two?

[redacted] Because he was a big boy.

McKelvy: What happened after...when he was...when that right arm was pulled from under his, his body and, and he was being handcuffed at that time, in your opinion, was the suspect being resistive at that time?

[redacted] No, ma'am. Once he was handcuffed on both wrists, he was done resisting.

McKelvy: So, you're on top of the suspect. At some point, [redacted] and [redacted] was on the right side because they were able to get the, the right arm around the suspect's body. Who was on the left side?

[redacted] I don't recall who was on the left side. I remember [redacted] and [redacted] were on the right side, but I don't recall who was on the left.

McKelvy: So, other than the initial contact team, it was you, [redacted] Romero, [redacted] and [redacted]. Is that right?

[redacted] Yes, ma'am.

McKelvy: So, we know where you were. We know where [redacted] and [redacted] were. Where was [redacted]

[redacted] I could not see from behind him, ma'am.

McKelvy: So, you're...from behind you. So, he wasn't in front of you?

[redacted] No, ma'am. We're both on the ground. And like I said, I'm facing his back. So, the stomach is...the, the suspect is laying flat on his stomach. I'm laying...you know, my stomach is placed on the suspect's back mirroring his body. And it's such a close quarters, all I see are just, you know, uniforms, but I can't...you know, I can't specify whose uniform it was.

McKelvy: So, once the suspect, in your opinion, was no longer resisting, what happened next?

[redacted] From there, we placed him in a, in a resting position...in a, in a recovery position...

McKelvy: And what is...how does that look...

[redacted] ...on his side. We placed him onto his side.

McKelvy: Which side?

[redacted] His right side. And then we actually sat him up...we sat him down. And simultaneously, one of the deputies...I don't recall who...called the Fire Department who they were...the Fire Department, they were staging right outside of the, of the office...or of the building, which our department immediately rushed in. And then they proceeded to, you know, place the suspect onto a gurney.

McKelvy: Did you observe any injuries on the suspect?

[redacted] Yes, ma'am.

McKelvy: What injuries did you observe?

[redacted] His left eye was swollen.

McKelvy: Any other things? Any other injuries you observed on the suspect?

[redacted] Not that I recall.

McKelvy: Were you injured during the incident?

[redacted] No, ma'am.

McKelvy: Do you know if any of the other involved deputies were injured?

[redacted] No, ma'am. I don't.

McKelvy: And based on what you...your actions and what you observed, did you report that to any supervisor?

[redacted] Yes, ma'am.

McKelvy: Who did you report it to?

[redacted] Sergeant Alvarez.

McKelvy: And when was that done?

[redacted] Immediately following the incident.

McKelvy: Was there a debrief?

[redacted] Yes, ma'am.

McKelvy: What is discussed...

[redacted] Actually, no. There was not because the victim became irate and uncooperative. She started yelling at us.

McKelvy: The victim did?

[redacted] Correct.

McKelvy: When did that happen?

[redacted] Yeah. That was after the fact. The Fire Department was taking the, the suspect.

McKelvy: So, when Fire Department came in the building to provide medical aid to the suspect, was the victim standing in...I guess, was that in the lobby area?

[redacted] The victim was in the lobby area. Yes. I don't know exactly where. But I know she was in, in the room or immediately...within our immediate vicinity where we had to deal with the suspect initially.

McKelvy: So, at that point, the attention was on her, at that point?

[redacted] Yes, ma'am.

McKelvy: Do you have anything?

Smith: Just (UNINTELLIGIBLE)...

McKelvy: Go ahead.

Smith: When you initially talked to the victim's [redacted].I'm sorry, the suspect's [redacted] Victim [redacted] did she tell you that she was still desirous of prosecution even, even though he brought the car back?

[redacted] Yeah. She still wanted him to go to jail. She's...

Smith: And, you said, once he...once the suspect barricaded himself in the closet, MET arrived with a deputy and a clinician?

[redacted] Yes, sir.

Smith: And did...you said they, they spoke to him approximately ten minutes or so?

[redacted] About approximately five to ten minutes.

Smith: Did the...who, who spoke to him? Did the...did both of them speak to him, or did just the deputy or just the clinician?

[redacted] They, they both did.

Smith: Did they tell you...when they decided to stop talking to him, did they tell you why they were ending their, their negotiations?

[redacted] I'm sure they did. I don't recall specifically what they told me.

Smith: And how long was he barricaded into...in the closet before it was...it, it was decided that he needed to be removed?

[redacted] I would say approximately maybe 10, 15 minutes.

Smith: And who decided to remove him?

[redacted] It was a call that I had made and agreed with the sergeant.

Smith: Were you the handling deputy on this?

[redacted] Yes, sir.

Smith: So, it sounds like you're, you're saying that you spoke with the sergeant about it, and you both decided that it was time to remove him?

[redacted] Yes, sir.

Smith: And what was the exigency, at that point?

[redacted] He's, he's in the, in the closet, unknown what is the content of the closet. Not only that, the suspect had indicated, and I put it somewhere on the report, that he...he told the sergeant that he had, like, [redacted] something else.

Smith: And feel free to refer to...it's on the second page, last paragraph, the second to the last paragraph.

[redacted] Okay. So, yeah. He stated he had a [redacted]. So, if...usually, it's my understanding, closets don't have pure ventilation, especially in that building from the layout from what I recall. So, my thing was to make sure that, you know, obviously, he...he's safe but also that we're safe as well because I don't know what he might have in there.

Smith: No. But I see your, your reasoning or your exigency was based on his medical problems or issues?

[redacted] Yes.

Smith: And so ultimately, when it was decided to open the closet, not in...it sounds like it was unlocked, the closet?

[redacted] Yes, sir.

Smith: And you were able to just open it by turning the doorknob?

[redacted] Yes, sir.

Smith: And it sounds like at some point...or from what you...your, your...what you, what you said earlier, there was a projectile fired at the suspect one...once or twice?

[redacted] Two times, sir.

Smith: And was that directed by the sergeant?

[redacted] Yes, sir.

Smith: And was that a result of the su...of, of the suspect doing something, or why was that projectile fired, in your opinion?

[redacted] It was being uncooperative. I'm not...I don't recall whether he had something in his hands. Like I said, the positioning where I was at, I could not see exactly what, you know, Deputy [redacted], who fired that round, can see. I was actually bladed off to the side.

Smith: You said earlier that he, he hadn't grabbed the broom, though. Was that correct?

[redacted] From what I recall, no. He did not grab the, the broom.

Smith: Was he being assaultive at that moment?

[redacted] I don't recall whether he immediately was being assaultive.

Smith: Do you recall him being assaultive, assaultive at any time prior to him being shot with the, with the projectile?

[redacted] Mind if I reference...

Smith: Not at all. You can, you can take, take your time.

[redacted] I don't recall, like I said, him...you know, what he was doing when the door was initially opened other than us giving him commands to come out. But I don't...I can't recall whether he was being assaultive when Deputy [redacted] shot those rounds. I was...that was the direction that he was given by Sergeant Alvarez.

Smith: I see. And you heard Sergeant Alvarez...

[redacted] Yes.

Smith: ...direct him?

[redacted] Yes, sir.

Smith: And so, at some point though, the suspect does become assaultive because you mentioned that he punched at you?

[redacted] Yes.

Smith: And can you describe how he punched at you, exactly. And was it, was it you he actually punched at?

[redacted] Yeah. He...I...I'm the, I'm the...like I said, the room is very small, compact. And I'm attempting to, you know, grab onto his arm, pull him out. And then he was simultaneously, you know, just throwing punches at me. But I kept pulling back. You know, causing...you know, that distance...making that distance so he won't make any contact.

Smith: And these punches, were they closed fist or with an open hand?

[redacted] I think they were both, closed fists and punches...sorry, punches and open.

Smith: And that...and was that as you and your partner...I can't recall his name...were trying to grab hold of him?

[redacted] Deputy Romero.

Smith: Romero?

[redacted] Yes, sir.

Smith: Or...I'm sorry if I...if you already answered this. Did you say that you were able to apply control holds at that point?

[redacted] No. We attempted but we were unsuccessful.

Smith: Is that because he was punching you?

[redacted] Yes, sir.

Smith: And you described [redacted] employ his taser. Now it sounds like he employed a drive stun first.

[redacted] Yes, sir.

Smith: Is that correct?

[redacted] Yes, sir.

Smith: And then the second was a fire...he fired his prongs?

[redacted] Yes, sir.

Smith: And then on, on the last page of your supplemental report, the third paragraph, you, you said with the assistance of deputy personnel, you were able to bring the suspect down on his stomach. Forgive me again if you already mentioned who these deputies were. But did you tell us who these deputies were that, that assisted you in mak...in, in, I guess it sounds like, bringing the suspect down to his stomach?

[redacted] It would be the deputies that were in the room with me.

Smith: All of them at the same time?

[redacted] Sir, it happened so fast, you know, and I'm not looking around seeing who's behind me. But it was one of my partners. I can't tell you specifically who it was just because, like I said, my positioning, and he had been a big boy, you know, my biggest, my biggest thing is keep...maintaining a visual on the suspect. So, I can't tell you specifically who were the deputies. But it had to have...be some of the deputies that were in the room with me.

Smith: That's it.

McKelvy: All right. That's all the questions I have. Is there anything, Attorney Perry?

Perry: Nope. We're, we're good. Thank you.

McKelvy: All right. Well, that's...we're gonna go ahead and go off the record at 1026 hours.

IAB CASE NUMBER FO2570670

FORCE REVIEW

[redacted]

McKelvy: We're on the record. Today is July the 27th, 2023. I have the time at 1404 hours. My name is Sergeant Ermina McKelvy. And with me is Sergeant Adrian Guillen. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's office in Commerce interview room B. This is an involved employee interview regarding a force investigation under case number FO2570670. This incident occurred on January 17th, 2023. Being interviewed today is Deputy [redacted]. Deputy [redacted], please state and spell your first and last name for the record, along with your employee number.

[redacted] Name is [redacted], last name [redacted] employee number [redacted]

McKelvy: And representing Deputy [redacted] as Attorney Russell Perry. Sir, can you please state and spell your last name for the record?

Perry: First –

McKelvy: First and last.

Perry: First of Russell, last of Perry, P as in Peter E-R-R-Y. Thank you.

McKelvy: Thank you. And for voice recognition, I'll have my partner state and spell his last name.

Guillen: Sergeant Adrian Guillen, G-U-I-L-L-E-N.

McKelvy: And Deputy [redacted], prior to going on record, I provided you with the Administrative Rights Force/Shooting investigation form. Did you have an opportunity to read the form?

[redacted] Yes ma'am, I did.

McKelvy: Do you understand the form?

[redacted] Yes ma'am.

McKelvy: Any questions?

[redacted] No ma'am.

McKelvy: And I do see that you have checked yes on both boxes indicating that you do have the Policy and Ethics chapter of the Manual Policy and Procedures, and you are familiar with its contents, is that correct?

[redacted] Yes ma'am.

McKelvy: Did you sign and date the form?

[redacted] Yes, ma'am, I did.

McKelvy: Deputy [redacted] can you, can you go ahead and gimme a brief history of your time here on the Sheriff's Department starting with your academy class?

[redacted] Yes, ma'am. My academy class was [redacted], I believe 2017, if I'm not mistaken. From there I went to [redacted]

McKelvy: [redacted]

[redacted] Yes, ma'am. I may be confused on some of the dates, but that's approximately about the dates. From there, I began at East LA Sheriff or at East LA Station, and been there to present.

McKelvy: Okay.

[redacted] Yes ma'am.

McKelvy: Alright. So, on January 17th, 2023, were you on duty that day?

[redacted] Yes, ma'am.

McKelvy: At East LA Station?

[redacted] Yes, ma'am.

McKelvy: What unit were you assigned?

[redacted] I don't have the in-service for that day.

McKelvy: I have a copy. Let me go ahead and provide you with that. And I'm going to provide Deputy [redacted] with a copy of the AM shift in-service for, for East Los Angeles Station, Tuesday, January 17th, 2023. Can you see your name on there?

[redacted] Yes, ma'am.

McKelvy: And what unit were you assigned?

[redacted] 23.

McKelvy: Did you have a partner?

[redacted] Yes, ma'am, I did.

McKelvy: Who was your partner?

[redacted] Deputy [redacted]

McKelvy: [redacted] And was this your regular shift?

[redacted] No, ma'am. It was an [redacted] shift.

McKelvy: Alrighty. Were you wearing uniform identifiable as a deputy sheriff?

[redacted] Yes, I was.

McKelvy: Which, which uniform was that?

[redacted] That was a tan shirt with green trousers.

McKelvy: Long sleeve or short?

[redacted] Long sleeve.

McKelvy: And then, what did you carry as your equipment on your person that day?

[redacted] I had a nine-millimeter Smith and Wesson, M&P. And then just my regular issued as far as the OC spray, had a taser, handcuffs, expandable baton and a County-issued radio.

McKelvy: Did you have a hobble?

[redacted] No, I don't think so, no.

McKelvy: And the taser that you carried that day, was that assigned to you?

[redacted] Yes ma'am, it was.

McKelvy: What taser number was that?

[redacted] The taser number, I cannot recall. I don't have that information.

McKelvy: Which model?

[redacted] The X26.

McKelvy: Now did you indicate which taser you had on you that day in your DDWS, signing onto the computer?

[redacted] No.

McKelvy: Did you, did you document anywhere which taser you had on you?

[redacted] The, in the vehicle, I think it was just, I just indicated it had a taser, not the taser number. In the, in the report that I wrote in relation to this incident, I think it might, I might have written the, the taser number in there, but I'd have to review, if it's okay.

McKelvy: Yes, go ahead. So, I think I reviewed the report. I don't think you actually indicated the actual taser number. How long was that taser assigned to you?

[redacted] I want to say approximately six to eight months, maybe.

McKelvy: Six to eight months?

[redacted] Yes ma'am.

McKelvy: The same exact taser?

[redacted] Yes ma'am.

McKelvy: And, alright. Perfect. So, then this incident occurred at [redacted] Whittier Boulevard, correct?

[redacted] Correct.

McKelvy: Can you tell me what brought you to that address?

[redacted] That there was a call placed from that address, the morning of our overtime shift with Deputy [redacted] in regards to a stolen vehicle. The victim had called a night, the night prior and stated that her, her [redacted] had stolen her vehicle. And she, when she reported that he was the only suspect that could have taken the vehicle. The next morning that we received, when we received the call, the same victim called saying that her [redacted] was at the location with the vehicle.

McKelvy: So, are we speaking of January 17th, is when you got the call saying that the suspect was back?

[redacted] Yes.

McKelvy: Go ahead.

[redacted] 17th. Yeah, so the, that morning she called saying that her [redacted] was back at her residence with the vehicle and wanted him to be arrested. And that's the reason why we responded to that location to arrest him for stealing her vehicle.

McKelvy: Did you have the handle on the call?

[redacted] We did, yes.

McKelvy: So, what happened once you, so the call, did it come out just on your MDC or was it voiced?

[redacted] It was voiced.

McKelvy: And was it a priority call?

[redacted] It was a priority call. Yes, ma'am.

McKelvy: And when you responded, did you, did you respond Code 3?

[redacted] That, I can't remember if we responded Code 3. We did respond right away, but I can't recall if we responded Code 3.

McKelvy: And were you driving?

[redacted] I believe my partner was driving.

McKelvy: And what happened next?

[redacted] We, as we were en route to the location, we assigned Detective Zeas to take a position in the rear of the, of the, of the location; just in case he, the suspect, decided to leave the location from the rear as we approached the front.

McKelvy: So, you were basically coordinating the call?

[redacted] Yes.

McKelvy: How many units were assigned to the call?

[redacted] I off the top, I couldn't remember exactly how many were assigned at the beginning of the call. I couldn't speculate how many units we had at that, at that, when the call came out. But I do remember Detective Zeas being on the call with us and assigning him to take the rear of the, of the spa, of the location. As we a approached the, the spa or the residence, it was a, we knew that it was an apartment complex, so there was going to be a little bit of, of some delay for us to get inside. And so, we placed him in the rear, we went inside and that's when we heard emergent traffic saying that the suspect was in the rear in the parking lot.

McKelvy: Alright. So, had you been to that location before?

[redacted] Just maybe, yes. Maybe like two or three times before.

McKelvy: And can you describe that location for me?

[redacted] It's a, it's an apartment complex on Whittier Boulevard facing south. So, the, the main entrance of the location is on the north curb of Whittier. And the two main doors are facing south onto Whittier. And then, there's an alley on the north side, which is the, the back of the, of the apartment complex has an alleyway on the north, and that's where Deputy Zeas, or Detective Zeas was. And there was a entrance to the underground parking garage through that alleyway.

McKelvy: Approximately how many apartments?

[redacted] If I had to guess, I would say maybe 50 to a 100.

McKelvy: Okay.

[redacted] It's probably about four, I would say five or six floors of apartments, newly constructed building as well. So, I, and that's all I could remember, like the details of it.

McKelvy: So, you said that Detective Zeas said that he saw the suspect?

[redacted] Yes. Emergent traffic saying that the suspect was in the rear and then was leaving his location. He was -

McKelvy: Which frequency, I'm sorry. Which frequency was that on?

[redacted] That was on Dispatch 3. Just -

McKelvy: Go ahead.

[redacted] So, he was, he was indicating that he, he was locked out, Detective Zeas was locked out of the, of the apartment. He did not have a way to get into the apartment complex from his location just because of the locked, underground parking lot where, where the suspect was located.

McKelvy: So, let me clarify real quick. So, you told Zeas to go to the rear or you or your partner did?

[redacted] Yes.

McKelvy: And, and where did you and, and Deputy [redacted] enter the apartment?

[redacted] We came in through the front side of the apartment, which is on the, on the north curb of Whittier facing south. So, on the right on Whittier Boulevard is where we were at.

McKelvy: Was the door open?

[redacted] The door, I can't remember if it was open or not. But we knew it was going to, we, we thought as we pulled up that we were going to have issue getting in. But I can't remember if we were able to get it right away or I can't remember, ma'am.

McKelvy: And do you know how long it took for you to get to the apartment complex once you received the call for service?

[redacted] Oh, we got there within minutes.

McKelvy: Were you coming from another call or just on regular patrol?

[redacted] We're I, if, if I had to guess, I would say just on regular patrol.

McKelvy: So, Zeas put out traffic saying that, that he's, he observed the suspect?

[redacted] Yes.

McKelvy: What else did he say?

[redacted] I can't recall exactly what else he, he, if I had to guess, I would say that he probably put out a description of the, of the suspect, but I can't remember exactly what he said. I just remember him saying that he saw him. Yeah, and then that he was running southbound through the, through the garage.

Guillen: And I know you said Dispatch [redacted] That was on the patch?

[redacted] Yes. He got on the patch, yeah.

McKelvy: And then, so the description that Detective Zeas transmitted over the radio, did it meet the description that was in the call?

[redacted] I can't remember if there was a description of the suspect on the call, but the description, and I couldn't even remember. I couldn't even tell you what the description was that Detective Zeas put out on the radio that morning. So, I don't know if the description that Detective Zeas put out was the same that was on the call that we got, or even, I couldn't even remember if the description matched to the individual that we ended up apprehending at the end of the incident was the same as the one that Detective Zeas described in his, in his radio traffic. I can't remember, ma'am.

McKelvy: So, once you heard the radio traffic, what did you do?

[redacted] So, as the radio traffic was coming out, I think we, I, I don't remember where exactly I was, but then we, me and myself and my partner, we split. He decided to go contact the informant, which was the victim at her apartment, and I believe it was apartment [redacted] And I decided to go down to the parking garage to see if I can get obs on the suspect.

McKelvy: How far did you have to go to get to the garage area from where you were?

[redacted] I can't remember. I couldn't, I couldn't, I couldn't exactly tell you exactly how far it was from the, the bottom floor from the first floor, I just remember going down maybe like [redacted] down.

McKelvy: And how did you go down through stairs or elevator?

[redacted] I don't remember ma'am. I'm sorry.

McKelvy: Go ahead.

[redacted] And once I reached the, the garage area, I saw the suspect running through the, through the garage, and then I kind of, I followed and he went into a, a stairwell or staircase, enclosed by a, by a door and four walls.

McKelvy: Can you describe the suspect that you saw?

[redacted] Male, Black, approximately early thirties, maybe. And then wearing a, a blue robe. And then -

McKelvy: What was his physique like?

[redacted] He was short and stocky.

McKelvy: And you, the person that you saw, you were for sure that's the person you were there to apprehend?

[redacted] Yes.

McKelvy: And so, when you see the suspect running, where, where is he running?

[redacted] He's running south through the garage. And then goes into a, like I said, a stair, a stairwell, closed off by a door and four walls. So, it's, it's kind of like a, like a, to go upstairs, but not an opened stairwell, if that makes sense. I don't know if I'm explaining myself.

McKelvy: It's enclosed stairwell.

[redacted] Yeah. Closed stairwell. Through the, I can see him through the glass. There was a, a glass window on the door so I can see him inside.

McKelvy: So, where were you when you saw him go into that stairwell?

[redacted] I was already inside the, inside of the garage, and I was, I was giving him commands to stop and he, and he ignored. And then -

McKelvy: So, when you saw him, how far, when you first saw him, how far away was he from you?

[redacted] He was probably about 30 yards away.

McKelvy: And that stairwell that he went into, how far away was that?

[redacted] That was probably also about 30 yards from him.

McKelvy: So, when you saw him running through the parking lot, did you run after him?

[redacted] No, because I was alone and I need, I was waiting for other units to get to where I was.

McKelvy: Did you tell people where you were?

[redacted] I can, I don't, I believe so. I put it over the, over the, over my radio where I was and where I saw him. And I can see where I was standing, I could see Detective Zeas right outside of the, inside the alley.

McKelvy: And how far away was Detective Zeas where you saw him from you?

[redacted] He was also probably about 30 yards. So, we were kind of like positioned like this, like in a triangle. I was in one spot. Detective Zeas was in probably about 50 yards, I would say, from me outside.

McKelvy: Which direction?

[redacted] He was north of me.

McKelvy: Okay.

[redacted] And then he was outside in the alley. The, the suspect ran across, like right in front of me. Ran across, about maybe 30, 40 yards in front of me. And then he ran into the, which was on this side.

McKelvy: Was that east or west side?

[redacted] That was on the south side.

McKelvy: South side?

[redacted] Yeah. So, then he ran inside of that enclosed stairwell. Once I got to where he went into, I could see him through the window and he was holding the door, so I couldn't open it. At which point, I waited till my units came, and then that's when, when he saw my units coming is when he,

he, he went up the stairs and left, and then we, we followed him up the stairs.

McKelvy: Alright. So, when you're seeing the suspect running southbound through the, the garage area, did, could you tell if he had anything in his hands?

[redacted] No, I couldn't. I don't remember. I couldn't tell if he had anything in his hands.

McKelvy: When he was running, was he pumping his arms like a normal, like regular gait, or run?

[redacted] Yes, yeah.

McKelvy: And you said you, did you give him any commands?

[redacted] Uh huh, I did.

McKelvy: What did you tell him?

[redacted] I told him to stop, put your hands up. And he just ignored my commands and kept going.

McKelvy: Alright. Did you have your gun drawn?

[redacted] No.

McKelvy: Okay.

[redacted] Or, I can't remember if I did or not. I'm sorry, ma'am.

McKelvy: So, you see him run past you going south and he gets to that stairwell. You said you did not run after him?

[redacted] I didn't run after him per say, but I followed, I continued on to the path to where I saw last saw him, to see if I could observe him.

McKelvy: And then, so you said you had to go another 30 yards to get to that entrance where the stairwell was?

[redacted] Yes.

McKelvy: Alright. And then you said there was a window, like how big was the window?

[redacted] It was, it was, it was a long, like, kind of like one of those strip windows. So, it was probably like six inches by like three feet maybe.

McKelvy: And then like a rectangular shape?

[redacted] Yeah, rectangular shape.

Guillen: And what was your pace to get from there to where you last saw the suspect?

[redacted] It was like a, it wasn't a run, it was more like a, like a fast walk, maybe.

Guillen: And, and the intention was to observe the suspect, you said?

[redacted] Yes.

Guillen: And then you got there, at what point did you realize he was at the door?

[redacted] When I got, when I got with him, maybe like, maybe like 10 feet of the door is when I saw him through the window. Yeah.

Guillen: So, what did you do in response to seeing that?

[redacted] Then from there. I, if I remember correctly, I probably would've put out traffic saying he's here, you know. And I, I, if I remember correctly, also Detective Zeas was also putting on traffic, like, hey, he's over here. And so then that's when my units were coming.

Guillen: But what did you physically do with your body after, and when you saw him? Did you take cover? Did you continue to the door?

[redacted] Yeah, I continued towards the door. Yeah.

McKelvy: So, but then 10 feet, you were able to see him through the door, through that window?

[redacted] Right.

McKelvy: And again, once you saw where he was, you, I remember you saying something about going towards the door and holding and trying to open the door. Is that what you did?

[redacted] No.

McKelvy: Tell me what you did.

[redacted] I think I held the door so he wouldn't come out. If I remember correctly, until my, the rest of my units showed up with me.

McKelvy: So, that area that you saw where the stairwell was, describe that for me.

[redacted] It was an enclosed, like a little room, probably about this size.

McKelvy: Was it 10 by 12 or something?

Guillen: Yeah, I'd say roughly. 8 by 12.

McKelvy: Okay.

[redacted] And then the, the, there was a stairwell inside of the room going, leading upstairs to the courtyard of the apartment.

McKelvy: So, when you saw him in there, what was he doing?

[redacted] Holding the door. So, I wouldn't open it. That's it.

McKelvy: Was he saying anything?

[redacted] I can't remember, ma'am. I would, I couldn't remember.

McKelvy: What was his demeanor like when you saw him?

[redacted] He looked pretty frantic, scared, I think.

McKelvy: So, you were standing on one side of the door and he's standing on the other side of the door?

[redacted] Yes.

McKelvy: Okay.

[redacted] Basically.

McKelvy: Alright. What happened next?

[redacted] Units arrived and then he ran up the stairs and into the courtyard of the apartment complex, and then we followed him.

McKelvy: How many units arrived where you were?

[redacted] Probably I think two.

McKelvy: So, are you saying like two, two deputies?

[redacted] Two deputies, yeah.

McKelvy: Two deputies, okay. Who were they?

[redacted] One was Sergeant Alvarez. And I think Deputy, I can’t remember, ma’am.

McKelvy: Male or female?

[redacted] Female.

McKelvy: Ruiz?

[redacted] Ruiz, I'm sorry. Yeah.

McKelvy: How long did it take for Sergeant Alvarez and Ruiz to get to where you were?

[redacted] Like a minute, two minutes?

McKelvy: And in that time, the suspect, what was he doing while you were waiting for them to come?

[redacted] He was still holding the door, and then I believe Sergeant Alvarez spoke to him through the door. And then at that, at one of those, he just bolted, went upstairs to the -

Guillen: When they arrived, because in my brain; was it on foot or was it in patrol cars?

[redacted] No, it was on foot.

Guillen: It was on foot?

[redacted] Yeah.

Guillen: So, it wasn't lights showing up?

[redacted] No.

Guillen: (Inaudible).

[redacted] Yes sir.

McKelvy: Prior to the, to Sergeant Alvarez and Deputy Ruiz arriving at the door where you were, did you make any attempt to open the door? Could you tell if it was locked or not?

[redacted] No. It wasn't locked.

McKelvy: Okay.

[redacted] No, it wasn't locked.

McKelvy: And you know that why?

[redacted] I don't know. I be, well, I, because after he had taken off, he left, we were able to open the door right afterwards that he, that he left.

McKelvy: Alright. So, he goes up the stairwell?

[redacted] Yes.

McKelvy: How far did he get before you no longer had a visual of him, you couldn't see him anymore? Like just four steps, five steps, or like how -

[redacted] Top through the window?

McKelvy: Uh huh, from the window, looking at him from upstairs.

[redacted] He probably, because it's a wrap. It was a, it goes up and then around, I don't know how to describe that. So, he went up once flight and then he had to make a turn and then go up another flight. Once he went, once he made that turn to the second flight is when we couldn't, I couldn't see him anymore.

McKelvy: And so, who was the first one of, of the Sheriff Department personnel to go through that door, after the suspect?

[redacted] Myself.

McKelvy: You went through first. Now, was that ordered or you just did it on your own?

[redacted] I think I, I don't, I don't remember ma'am, to be honest.

McKelvy: And who came after you?

[redacted] Deputy Ruiz.

McKelvy: And then what happened once you get in that stairwell?

[redacted] So, we went up the stairs and then I noticed, I didn't know where that stairwell was going to lead to, and then I noticed that it led upstairs into the courtyard of the apartment complex.

McKelvy: And you noticed that how?

[redacted] When I got up to the top of the, the stairs and I noticed that the, I don't remember if it was the only door. I don't, I can't recall if there was more stairs leading to the upper levels, but I remember thinking it was, he probably went through here. Maybe I, I couldn't tell you exactly what I was thinking that day.

McKelvy: So, alright. So, how many flights of stairs did you go up to get to that door that led to the courtyard?

[redacted] I think two.

McKelvy: So, that, that first one that goes up and then you made that turn and then the second flight, and that's where the door was?

[redacted] Yes.

McKelvy: What happened next?

[redacted] I went through the door, and we started searching the area, myself and Ruiz. And we were contacted by an [redacted] of the apartment complex who told us that [redacted] office closet was closed and locked and that it normally would never be closed and locked.

McKelvy: After you are going up the stairs in the route that the, the suspect went, was your gun drawn at that point?

[redacted] I can't remember ma'am. I believe so.

McKelvy: You said you believe so?

[redacted] Yes, ma'am.

McKelvy: And then this [redacted], she met you in the courtyard?

[redacted] Somewhere around that courtyard, yes.

McKelvy: And they, and so she directed you to where, so when you heard her telling you that there was [redacted] office, the closet in [redacted] office was closed, what were you thinking at that point?

[redacted] That he probably went into that closet and he's inside, yes.

McKelvy: So, you thought that was a suspect that went in there?

[redacted] Yeah.

McKelvy: Did you ask her if she saw him?

[redacted] Yes, I did.

McKelvy: And did she say?

[redacted] She said no.

McKelvy: Okay.

[redacted] But she, she just indicated to me, I don't remember asking her whether or not she saw him. I couldn't tell you for sure if yes or no, but I remember thinking in my head that he's in there, because she's saying that door was closed, that closet would normally never be locked and closed and locked.

McKelvy: So, you said you don't remember if you asked her?

[redacted] No, I don't, I don't recall.

McKelvy: How about Ruiz, did Ruiz talk to her?

[redacted] I'm not sure.

McKelvy: What about Sergeant Alvarez?

[redacted] I'm not sure, ma'am.

McKelvy: So, after she told you that her, that the closet door is locked, she directed you where the office was?

[redacted] Yes.

McKelvy: And what did you do?

[redacted] I went up to the door and I tried to open it. Obviously it, it was locked, and I tried contacting the person inside, or I tried to see if someone was inside and I tried to make contact with the individual if it was him or somebody else. And then I, I heard some movement inside, and at which point, I realized it was he was inside the closet.

McKelvy: How far did you have to walk from that courtyard area where you saw the employee to where the office was?

[redacted] Maybe like a hundred feet.

McKelvy: Straight shot, or did you have to walk around corners?

[redacted] It was a little bit of some cornering stuff involved, yes.

McKelvy: And the office is, where was it located?

[redacted] It was on the north side of the, of the, of the building, just west of the main entrance.

McKelvy: When you went to the office, were there anyone else in the office when you went in there?

[redacted] No, it was, it was empty.

McKelvy: What about in the hallway?

[redacted] No, I'm, I'm pretty sure that the hallway was empty, ma'am.

McKelvy: So, you, the lady tells you that her closet door is locked.

[redacted] Right.

McKelvy: Prior to that, you're looking for the suspect?

[redacted] Prior to that, looking for the suspect, yes.

McKelvy: So, when you go in the office to that closet door, in your mind, are you saying that you, you went there because you thought the suspect was there, or were you distracted by her saying that there was somebody in the closet and you weren't looking for the suspect anymore?

[redacted] No, I was looking for him. We were looking for him, yes.

McKelvy: So, in your mind, you thought he was in the closet?

[redacted] Yes.

McKelvy: So, when you said you tried to make contact, what did you do?

[redacted] I, I couldn't, I can't remember exactly what, if I, what I said or if I said anything. I can't, I just remembered. I, to be honest with you, ma'am, I can't remember anything about what I did at, when I got to the door. I just re- I just remember realizing that it was, he was in there.

McKelvy: And you knew that someone was in there?

[redacted] Yes.

McKelvy: Did you know his name at that point?

[redacted] I think so, yeah. Yeah, I think so.

McKelvy: So, you, you tried to open the door and you said it, it felt like it was locked?

[redacted] Yeah.

McKelvy: And then did you say anything to the person through the door?

[redacted] I would, I, I can't remember ma'am. I couldn't tell you if I did or not. I can't remember if I said anything through the door. Obviously, if I'm thinking there's somebody in there, I would think that I would say something, but I can't remember exactly or if I, even if I did, I couldn't tell you.

McKelvy: You said you heard something inside the closet. What did you hear?

[redacted] Like rustling movement, like rustling and like movements inside the closet.

McKelvy: Did you go in the office by yourself?

[redacted] I think Ruiz was with me when I went in there.

McKelvy: And you had this information that the lady said that, that the closet door was locked. You, in your mind, thought it was a suspect. Did you let anyone else know that, what your observations were or what your suspicions were?

[redacted] I think Sergeant Alvarez, I believe.

McKelvy: Did you put out any radio traffic of what you were thinking or, or where you were?

[redacted] No, I don't remember.

McKelvy: So, at that point, it's just you, Ruiz and Sergeant Alvarez?

[redacted] Yes.

McKelvy: What happened next?

[redacted] At that point, once we, I don't already remember how it was that we definitely realized, or definitely concluded that he was inside the, or I think it, I don't remember when it was, which point was that he started talking to us through the door. But we realized that he, it was him and we identified it was him inside the closet. I couldn't, I couldn't remember at which point that happened or how it even happened.

McKelvy: Describe that office for me.

[redacted] It was small. There was a desk on the north side of the closet, and on the south side of the closet it was, there was windows. The door to leading into the office was on the southeast side of the, of the office. The closet was on the southwest corner of, of the office.

McKelvy: So, small. Is it like, the size of this room?

[redacted] It's a little bigger than this room. Yes.

McKelvy: A little bit bigger than the room. The person that showed told you that, that that closet door was locked, did she follow you guys to the office?

[redacted] I think initially, yes. She did, and she showed us where the closet was, and then at that point we told her to, to get, to leave the area, I believe.

McKelvy: So, go ahead. So, you said that you, at some point, the suspect started talking through the door?

[redacted] Yes.

McKelvy: Was he talking to you?

[redacted] I can't, I don't remember. I think, I think he, I think the one that, that began talking to him first was Deputy Ruiz, I think.

McKelvy: Could you hear what he was saying?

[redacted] I can't remember exactly what he said, ma'am. I'm sorry.

McKelvy: No worries. What else happened?

[redacted] So, he, we determined that he's inside. We get, I believe, I believe Deputy [redacted] gets the victim, which is [redacted], to call him on his cell phone, to try to talk him to come out.

McKelvy: How do you know he did that?

[redacted] He told me, I believe.

McKelvy: So, at that point where Deputy [redacted] having the informant call [redacted] were they in the office there with you?

[redacted] I'm sorry, ma'am, I couldn't, I, I can't remember if she was inside the office or if she was standing out in the hallway. I couldn't, I couldn't tell you if she walked up to the door. I think she did end up walking to the door, talking to him through the door, and then also calling him on his cell phone, or calling him on his cell phone prior to us realizing he was inside the room, I believe.

McKelvy: Say that again.

[redacted] So, he, I believe that Deputy [redacted] got her, got the victim to call the [redacted] prior to us realizing that he was inside the, the closet, to see if he was in there.

McKelvy: So, this was -

Perry: You're confirming that he was in there?

[redacted] Yeah.

McKelvy: So, initially when you go in the office, in your mind, you're thinking it's a strong possibility that's him in the closet?

[redacted] Yeah.

McKelvy: And then at some point after that, the informant called the [redacted] and confirm that he was in the closet?

[redacted] Yes.

McKelvy: Could you hear the phone ringing in there, the closet?

[redacted] No, I can't remember that.

McKelvy: Did you hear him on the phone talking to someone?

[redacted] I can't remember.

McKelvy: So, how did you know that she called and, and confirmed that that was him in the closet?

[redacted] Like I said, I can't remember how it is that we confirmed that he was in there, whether it was a [redacted] calling or whether he started talking us through the door. I can't remember that part of the incident.

McKelvy: And then, so you're saying that, um, as you're seeing the suspect in the garage, Deputy [redacted] went to the informant's apartment?

[redacted] Yes, he did.

McKelvy: Was there any, any updates to the scenario or the situation given by Deputy [redacted] to let, to let you guys know if he got any additional information from the informant about the suspect?

[redacted] No, I can't remember ma'am.

McKelvy: Uh huh.

[redacted] So, you're saying whether or not Deputy [redacted] come, he, if he put out any radio traffic, connect, like more additional information to the incident? I can't remember. I'm, his, I would assume that he did, because that that's

how we were, that's how we do, that's how we work. But I can't remember exactly what he would've said.

McKelvy: So, based on the information that you had at, at that time, it was, the suspect has stolen [redacted] car the night before?

[redacted] Right.

McKelvy: And now in the morning time he was back there with the car?

[redacted] Yes.

McKelvy: And then he had ran, ran away from you guys?

[redacted] Yes.

McKelvy: And now he's in the closet?

[redacted] Now he's in the closet.

McKelvy: So, anything other than like, you know, his mental state, if he was high or anything like that, that wasn't a part of the equation at that point?

[redacted] I remember someone bringing up the fact that he had some kind of [redacted], but I don't remember at which point that was brought up. Whether it was, whether it was when JMET showed up or whether it was when he was in the inside of the closet. I don't remember when his [redacted] possibility of him having a [redacted] I don't remember when that came up exactly. I couldn't tell you exactly if it was, whether Deputy [redacted] said it over the radio, if he, that he had [redacted] or if it was, whether, whether it was when JMET found out, talked him through the door, or if the [redacted] told us I couldn't, I don't remember those, that part.

McKelvy: Did you have a conversation with the [redacted] of that complex that gave you additional information about what was in the closet?

[redacted] Yes. She said it was a like a storage area closet.

McKelvy: Uh huh.

[redacted] And then a broom was brought up, but I don't remember if it was, whether it was with her or through some other, at some other point.

McKelvy: Did the storage, did, did the lady say what was being stored in the closet?

[redacted] She said, I think office supplies.

McKelvy: Any, did she tell you if there was like, any chemicals in there?

[redacted] I can't remember. I can't remember, ma'am, if she did say that there was any. I imagine us asking, imagine me asking her whether or not there was any weapons in there, but I can't remember if I did or not.

McKelvy: Alright. So, still at this point, you and the Deputy [redacted] had the handle on this call?

[redacted] Yes ma'am.

McKelvy: So, at what point did other deputies arrive there?

Perry: Are we talking about Ruiz being there or -

McKelvy: Yeah, we have Ruiz and we have Sergeant Alvarez and Detective Zeas is there.

[redacted] Yes.

McKelvy: At what point did additional deputies arrived?

[redacted] The, I think as soon as the 10-33 traffic came out, that's when everyone started coming.

McKelvy: And that was the 10-33, meaning emergent traffic?

[redacted] Yes.

McKelvy: Was that from Zeas?

[redacted] That's Detective Zeas.

McKelvy: Got it. Alright. So, at what point did [redacted] come to the office?

[redacted] He had come, he came after, I don't know ma'am. I, I remember he was there, but I can't tell you exactly when he showed up. We were already, I was, we were already in the office thinking he was inside the office inside that closet when Deputy [redacted] showed up, yeah. But I can't remember when it was exactly that he showed up.

McKelvy: So, once you guys are there and a couple people had tried to talk to him, what was the next action that you took as the handling unit?

[redacted] Well, I, I remember collectively saying like, we need to call JMET, because now it's diff it's a different situation, because he's now, he's barricaded inside this closet.

Guillen: JMET or MET?

[redacted] MET, I'm sorry. The MET team. Sorry, excuse me.

McKelvy: And MET team, what is, is that an acronym for something?

[redacted] The Mental Evaluation Team.

McKelvy: So, you made that call that the mental evaluation team should be called out?

[redacted] Yeah.

McKelvy: And who did you tell that to?

[redacted] So, we, I remember, if I'd said it to someone or if some, like somebody else decided to call. In my report it reflects that Sergeant Alvarez was one that called for both JMET, or excuse me, the MET Team and also for Fire, just for them to both stage at the, at the spot. But I think it was just all of us thinking, you know, the same, along the same way, along the same lines we needed JMET and then Fire as well.

McKelvy: Did they respond?

[redacted] Yes.

McKelvy: How long did it take for them to arrive?

[redacted] I think the MET team, I think they arrived pretty quick, like within 20, 30 minutes, I think.

McKelvy: So, at that point, how long had you been at the office?

[redacted] At that point we were already there for like, maybe like 40 minutes or so. 45 minutes.

McKelvy: What happened next?

[redacted] JMET showed up. They, or excuse me, the MET team showed up. They tried to talk to him through the door or the suspect through the door. At this point, we knew he was inside. The MET team tried to speak to him through the door. The MET team, the MET deputy was, was able to get him to speak to him. And he just wasn't coming out. He was just saying that he wasn't going to come out of the closet.

McKelvy: Were you in the office while the MET deputy was speaking to the suspect through the door?

[redacted] Yeah, I was there, yes ma'am.

McKelvy: Could you hear what the suspect was saying?

[redacted] Yes, I could hear him. I could hear what he was saying. Some of it, yes.

McKelvy: Did he, what did his voice sound like to you, like as far as his demeanor?

[redacted] I can't remember exactly what he was saying, like his exact words, but he wasn't, he, he was just non-compliant. Like he wasn't going to come out.

McKelvy: Was he yelling?

[redacted] I can't remember if he was yelling or not.

McKelvy: No. But you hear him, his voice through the door?

[redacted] Yes, I could hear him talking.

McKelvy: Yeah. So, how long was the MET deputy speaking to the suspect?

[redacted] I would say about half hour maybe. My report, I think, indicated it was probably about closer to 20 minutes, but I think it was probably between 20 and 30 minutes. Somewhere in that area.

McKelvy: Were you in the office the entire time that J, the MET deputy was speaking to the suspect?

[redacted] I can't remember if I was, I was, I think maybe back and forth inside and going out and coming back in. Yeah.

McKelvy: It was the MET deputy and someone else came with him.

[redacted] They, he did have a, a psych with him, but, and I can't remember clearly whether she came inside with the deputy and whether or not she talked to the suspect inside the closet. I can't remember exactly ma'am, I'm sorry.

McKelvy: While the MET deputy was speaking to the suspect, what were you, what were you doing other than like, if you were in the office or maybe you were out of the office, were there any other conversations occurring between you and say the serge or whatever deputies that were there?

[redacted] No.

McKelvy: You guys weren't talking about anything?

[redacted] No.

McKelvy: So, what was the plan if JMET was unsuccessful?

[redacted] The, the plan if JMET was, well, the MET team wasn't able to get him out, was that we were going to go, we were going to make entry into the, and then, and then apprehend him by force. That's, that's -

McKelvy: How did you, how do you know that's what you were going to do?

[redacted] The, the plan to go in there and to apprehend the suspect by force was, was, was planned after, if I remember correctly, was, was done after MET, the MET team had already tried to get him out and failed to get him out. So, at that point, Sergeant Alvarez, we made up a plan to go in and he, we all, or he, he assigned different deputies, different jobs. And then that's when we went in and got the suspect out of the closet.

McKelvy: So, at this point, this is what, what is the reason why you guys wanted to get the suspect out of the closet?

[redacted] To apprehend him for the vehicle theft.

McKelvy: So, you're going to place them under arrest?

[redacted] Yes.

McKelvy: What was the plan that was, that was created once the MET team were, were not successful in getting the suspect to come out?

[redacted] The plan was to have a deputy open the door, pry open the door, Deputy [redacted] and Deputy Romero would be the ones to go in and try to get him out. She, Sergeant Alvarez put one deputy on the 40 millimeter.

McKelvy: Who?

[redacted] I forget his name. [redacted] Deputy [redacted]

McKelvy: Okay.

[redacted] He assigned Deputy [redacted] to the 40 millimeter, and then he assigned me to taser.

McKelvy: Was anyone responsible for radio traffic?

[redacted] I believe Deputy Ruiz or Deputy [redacted]. One of the two.

McKelvy: So, at the point where the tactical plan is being created, how long had you guys been in, in that office?

[redacted] Maybe like an hour and a half, probably an hour.

McKelvy: And how long, how long had you been on patrol when, when this incident occurred?

[redacted] I had been on patrol for, I believe about approximately [redacted], if I'm not mistaken.

McKelvy: Was there any conversation about the suspect in the closet being considered a barricaded suspect?

[redacted] Was there any, excuse me, say that again.

McKelvy: You guys talk about if that the scenario that you were faced with at that time with the suspect, felony suspect not coming out of the closet, did you guys consider that was a barricaded suspect situation?

[redacted] Yes.

McKelvy: And what, what did you guys talk about on that, on that topic?

[redacted] We, we, I just, I, I knew, I knew in my mind that it was a barricaded. I don't know, I don't know specifically if we had a conversation, if I had a conversation with anybody about it being a barricaded, but we knew once

it was barricaded that we needed, there was other steps that we needed to take.

McKelvy: What were those steps?

[redacted] Like the MET team and then the, obviously the sergeant was there. And then staging the, staging Fire and those steps. And those are all the steps that we had already done, that we had already taken.

McKelvy: Was there any consultation done with SEB, the Special Enforcement Bureau?

[redacted] I think so. SEB was called, and I think they, they, I don't know what the outcome was from SEB. I can't remember.

McKelvy: Did you speak with them?

[redacted] No.

McKelvy: Who spoke with them?

[redacted] I couldn't tell you. I don't know.

McKelvy: So, how do you know someone talked to them?

[redacted] I remember somebody saying something about SEB, but I can't remember exactly what they said. Yeah.

McKelvy: Did they respond?

[redacted] No. They did not.

McKelvy: So, what happened next?

[redacted] After the tactical plan was made up or that was done, then we went in and we, we physically got him out of the, out of the closet.

McKelvy: So, describe that for me.

[redacted] So, Deputy [redacted] was the one that was, was able to get the door open. Sergeant Alvarez, once the door was open, it was a little struggle to get the door open. Once the door open was opened, opened, Sergeant Alvarez, he, he ordered Deputy [redacted] to, to employ the 40 millimeter on the suspect.

McKelvy: Why was there a struggle to get the door open?

[redacted] The suspect was holding the door closed. He was pulling the door against Deputy [redacted] to prevent anyone from opening the door. And then, so he was pulling against Deputy [redacted], trying to pull the door open.

McKelvy: Where were you standing when this had occurred?

[redacted] I was standing directly north of the door, on the, I'm sorry, excuse me. south, yeah, I'm sorry. Excuse me, north. On the north, on the northwest corner of the office. That's where I was standing when it happened. So, Deputy [redacted] was able to open the door, at which point they, Sergeant Alvarez ordered Deputy [redacted] to use the 40 millimeter.

McKelvy: When the door was open, could you see inside the closet?

[redacted] No, from my vantage point, I could, I, I could only see like a portion of the, of the northwest corner of the closet. I couldn't see directly into the closet.

McKelvy: So, what, what could you see of what, whatever the part that you could see, what did you see?

[redacted] I only saw the, when the, as the door was opening, I could see the suspect's arms holding the handle on the door, pulling, trying to pull it shut against Deputy [redacted] pulling it open.

McKelvy: And once the door was open, did anyone give commands to the suspect to tell him what you wanted him to do?

[redacted] Yes.

McKelvy: What was his response?

[redacted] He, he would say things like, no, I'm not, and he wouldn't, he wouldn't follow the directions that were given to him by deputy personnel. That's basically what happened.

McKelvy: So, you said that Sergeant Alvarez ordered [redacted] to employ the 40 millimeter?

[redacted] Yes.

McKelvy: Alright. Did you see him do it?

[redacted] Yes.

McKelvy: Where was he standing, Deputy [redacted]

[redacted] He was on the south, like against the south wall.

McKelvy: Uh huh.

[redacted] And then he was aiming the weapon system in the westerly direction, into the closet.

McKelvy: How close was the barrel of the, the gun to the closet, closet opening?

[redacted] The closet opening? It was probably about five to 10 feet, maybe.

McKelvy: And at that point, could you see what was going on inside the closet?

[redacted] No.

McKelvy: So, how many rounds did he fire?

[redacted] He fired one initial shot.

McKelvy: When he fired that round, could you tell if it had any effect on the suspect?

[redacted] It did not. I, I don't remember. I think I ended up moving positions and watching as he was, as Deputy [redacted] fired.

McKelvy: Where did you move to?

[redacted] Like a, towards the east of the, like the east portion of the, of the office? So, I can, I was able to see where the projectile landed and it was closer to like, the midsection of the, of the suspect.

McKelvy: So, you, when you changed positions, tell me what you could see now.

[redacted] When I changed positions, I kind of shifted from the west, like the west area or the west wall of the office, and then closer to the middle of the office, like in an easterly direction. And then I was able to more see more into the office as -

McKelvy: The closet?

[redacted] Yeah. I'm sorry, excuse me, the closet, yes.

McKelvy: So, what did you see?

[redacted] I saw like, just like office supplies, like a, like a, like a shelf. Shelving of some sort. And then he was like, the suspect was like sitting in a corner of it, of the closet, like in the, like in the northwest corner of the, of the closet. That's where he was.

McKelvy: And did the suspect appear the same way you last saw him?

[redacted] Yes.

McKelvy: Could, what does his face look like? What was his facial expressions once you're able to see him in the closet?

[redacted] He looks, he looked like he was afraid. He was, looked like he was worried and afraid, basically. That's what I saw.

McKelvy: Did you have any concern, prior to opening up the door? Any, anything, any safety concerns or, I mean, I was asking you about if you knew what was inside the closet, what was going on in your mind at that point?

[redacted] If I knew what was inside the closet, I did, I don't, I, we kind of worried that whether or not he had like a weapon in there with him, that he can use to hurt one of us, like a broom or something that he can use to hurt someone. So, yeah, we were, I was afraid of that.

McKelvy: When once the door was open and you moved east to get your own personal view of what inside the closet, did you have any concerns based on what you saw at that point?

[redacted] There was, I mean, you could use almost anything to hurt anybody. So, there was a, a number of, of objects in there that could've hurt, could've hurt any of us if used in a, if used in a way that couldn't, that he wanted to hurt one of us. So, yeah, there was stuff still in there that he could have used against us, yeah.

McKelvy: Now you described that Deputy [redacted] fired one round, when you moved east to get a better view of what was going on in the closet, were you, did you do that before he fired the round or after?

[redacted] I think just prior, just prior to him firing, I believe.

McKelvy: And then where did you say the, the round landed?

[redacted] It landed somewhere in his midsection.

McKelvy: And then once you saw where it landed, what did the suspect do?

[redacted] It had like, no effect on him. He basically just, he didn't move. He just stayed where he was and didn't, and then, you know, after that he was giving commands, which he ignored, is still ignoring. And deputies attempted to try to grab him and then apprehend him.

McKelvy: Who?

[redacted] Deputy Romero and Deputy [redacted] And he would slap, he was slapping their arm hands away from trying to control him.

McKelvy: Did Deputy [redacted] or Deputy Romero enter the closet?

[redacted] They, the, as far as they went, they went into like the doorway of the closet, but never went fully inside, I don't think.

McKelvy: And how big was that closet?

[redacted] Probably like about five by three or so, it was a pretty small space.

McKelvy: So, Deputy [redacted] and Deputy Romero tried to bring the suspect out of the closet?

[redacted] Yeah.

McKelvy: How did they try, what did they do?

[redacted] They were using their hands to try to like control the suspect's hands, his wrists, but the suspect would not, he was just moving his hands around, flailing them and slapping their arms away to prevent them from grabbing him.

McKelvy: And what happened next?

[redacted] Sergeant Alvarez ordered [redacted] to fire a second shot, and then he ordered me to use a taser. I tried to dry stun him.

McKelvy: Let me, let me stop you real quick, because I need to know what happened when Deputy [redacted] fired the, the second round. Okay

[redacted] Okay.

McKelvy: Did you see him do it?

[redacted] Yes, I saw him.

McKelvy: And where, did you see where the round landed?

[redacted] It landed somewhere in the midsection, same as the first.

McKelvy: And what did the suspect do after the second round was employed?

[redacted] There was no effect on the suspect after the second round. He basically still was still noncompliant with us.

McKelvy: And could you tell if he experienced any pain as a result of the round hitting him?

[redacted] No, it didn't. He didn't appear like he experienced any pain at all.

McKelvy: After Deputy [redacted] fired the second round, did Deputies [redacted] or Romero attempt to bring the suspect out of the closet again?

[redacted] Yeah. It was always like an active, active attempt to try to get them out. It was only like a brief pause to allow the, Deputy [redacted] the window to fire a shot. And then right after that was when they continued on using, trying to get them out, using their hands.

McKelvy: So, the second time after Deputy [redacted] fired the second round, and [redacted] and Romero tried to bring the suspect out, what was his response to their actions?

[redacted] Same. Slapping their hand away, you know, refusing to comply, basically the same as the first time. It was basically, basically he was just fighting the whole time with us, preventing, preventing us from gaining control over him. Yeah.

McKelvy: So, then you said at that point, you were ordered by Sergeant Alvarez to employ the taser?

[redacted] Yes.

McKelvy: How did you do that?

[redacted] I attempted, because it was such close quarters. I attempted to drive stun him. So, I took the cartridge out and attempted to drive stun him. I think I, I

was able to make contact with like his arm, but he was just moving around so much that I, it was, I couldn't get a good spot to get him.

McKelvy: So, did Deputy [redacted] and Romero, did they move out of the way for you to employ the taser?

[redacted] Yes.

McKelvy: So, it was just you and the suspect face-to-face?

[redacted] Well, not just me and the suspect. I mean Deputy Romero and [redacted] were, they were always there next to me. And they, they never left the area, but yeah, they were in just like right there with me basically when I was trying to employ the, the taser.

McKelvy: And were, were they in the doorway with you?

[redacted] Yes, basically they were right there with me when the door, it is real tight quarters. It's not like there's a lot of space. So, them giving me just like a window to get in, it was me in there and then right back out and they were right there again.

McKelvy: So, you, you tried the drive stun the suspect. Where did you place the -

[redacted] If I remember correctly, it was probably somewhere around his arm.

McKelvy: Which arm?

[redacted] His right arm, I believe.

McKelvy: His right arm. So, he would be facing toward, was he facing towards the opening of the closet door?

[redacted] Yes.

McKelvy: And you said you had to use this taser to go to his right arm?

[redacted] So, he was always like, kind of like slapping out of the door. And that's when I put the taser on his arm.

McKelvy: Alright. So, once his arm was out?

[redacted] As soon as his arm went out and I tased him, he moved his arm and it was so -

McKelvy: So, you were able to connect with this arm, but were you able to like, leave the taser there to drive stun him?

[redacted] No, he didn't leave it in place for me to be able to.

McKelvy: And did you pull the trigger?

[redacted] Yeah, I did pull the trigger.

McKelvy: Yeah. And how long did you, how long was the series on that part when you tried the drive stun him?

[redacted] Probably about five seconds.

McKelvy: And what, and so you said he pulled his arm away, what happened next?

Guillen: Did you maintain it there for five seconds?

[redacted] No.

Guillen: Okay.

[redacted] No. No, it was less than, probably less than a second that it was on his arm.

Guillen: And then he pulled it away?

[redacted] He pulled –

Guillen: But the circuit ran right for about five seconds?

[redacted] Right, yeah.

Guillen: Okay.

[redacted] I can't remember if I disengaged it and stopped it before the whole cycle, but it was about five seconds that it was on. And then they continued to fight, I believe, to try to get him out physically. Deputy Romero and Deputy [redacted] were physically trying to get him out of the closet, and he, he was still refusing. At that point, they, the, or Sergeant Alvarez ordered me to use the taser once more. This time I put the cartridge on it and attempted to use the, the, the prong projectiles to try to get an effect from him from that way. I fired the, the taser. I was about five feet away from him, five or five to six feet away from him. So, I figured I would get good enough

disbursement to be able to get an effect. It brief, there was a brief effect that he, where he stopped and then he continued on, like he continued moving. So, there was the desired effect. It didn't work, the desired effect was not accomplished, but he did end up stopping fi- to stop, stop fighting us. So, at, at that point is when he kind of stopped, he stepped out on his own, and then he, he started to put his arms behind his, behind his back. So, we, I figured -

McKelvy: Let me stop you real quick and we are going to get there too. You said it had somewhat of a desired effect. Where did the prongs land on the suspect?

[redacted] I think one landed like in the middle of his chest, and then the second one landed somewhere like in his legs somewhere, but it didn't make a good enough contact to get the full effect of it. But I think him feeling one of the prongs entering was enough to get him to, to stop for a second and, and him, him stop and then comply. But then as soon as I think he realized like, hey, like, there's nothing going on, then that's when he started fighting us again.

McKelvy: And so, when he started fighting again, was he still in the closet?

[redacted] He was out of the closet. He came out. So, he came out on his, on his own, walked out. We let, we allowed him to walk out.

McKelvy: Where did he walk to?

[redacted] He walked out of the closet and he walked north, and then faced the wall on the west side. On the west wall.

McKelvy: So, how, how far out of the closet did he walk before he faced the wall?

[redacted] Maybe like three feet, maybe. And at that point, we tried to put his hands, he complied up to that point. And then once he, once deputies tried to, I even tried to put my hands on him and put him, put his hands behind his back. And once he, once he fell, that part is when he started fighting us again.

McKelvy: How so?

[redacted] He just tensed up his body and then started, you know, moving his arms, so to resist us from bringing him behind his back.

McKelvy: And so, at the point where he faced the wall, where were you physically standing?

[redacted] I was kind of, sort of in the northwest corner of the office still, in that general area.

McKelvy: Who was the closest to the suspect?

[redacted] Deputy Romero and Deputy [redacted] were always there in that vicinity. So, when he walked out, they were there already. I was, he was walking kind of like towards me, so I was able to grab him and then tried to put his hand, but then that's when he started fighting us again.

McKelvy: And so, just to describe what you just did right now, I saw that both of your hands were up. So, you're describing that as what, what were you doing at that point?

[redacted] Trying to gain control over his right arm to put it behind his back.

McKelvy: And you were using that, trying to use both of your hands to do that?

[redacted] I don't remember if I had my taser in one hand and then used the other hand to touch him, but I know I, I was touching him with at least one hand.

McKelvy: And so, was the prong still embedded in, one of the prongs still embedded in him when he came out of the closet?

[redacted] I believe so, yes.

McKelvy: How close did he get to you when he came out the closet when you're saying you were going to control his right arm?

[redacted] He got within maybe like two feet, maybe?

McKelvy: Alright. And so at that point, were you able to touch him at all?

[redacted] Yes.

McKelvy: You were able to touch him?

[redacted] I was.

McKelvy: And that was on the right arm?

[redacted] Yes.

McKelvy: What happened after that, you said, is, is that when he turned to face the wall or before?

[redacted] That was like, kind of like simultaneously, yeah.

McKelvy: Did he say anything when he came out?

[redacted] No. He didn't say anything.

McKelvy: So, what was he doing to, to try to fight Deputy [redacted] and Romero at that point?

[redacted] Soon, right after that is when he just started tensing his body and he was resisting us from putting his hands behind his back. And then that point he just, he wanted to, I think what he was trying to do was get out of the office and leave.

McKelvy: What made you think that?

[redacted] Because he was moving his body towards the door, and so then we were trying to prevent him from leaving the area, and then that's when we all went to the floor together.

McKelvy: So, you guys fell randomly?

[redacted] I think it was, I mean, at that point, it's hard to say whether or not we did like a controlled takedown of him, but we all ended up on the floor. I described it as a, as a team takedown, but I think it was all collectively, all four bodies, which is in a tight quarter. And him trying to go somewhere and us preventing him, we all ended up on the floor, ma'am.

McKelvy: And so, how did all four of you land on the floor?

[redacted] Well, I don't remember exactly how we all land, but we all ended up on the floor. I remember being, I was the first one probably at the bottom of the, of the, all the bodies. I was at the bottom stuck underneath everybody, not being able to move. And he was above, he was basically above me.

McKelvy: Was he face down or, or his back was on you then?

[redacted] I'm pretty sure his face, he was face down. Yeah.

McKelvy: When you guys fell, how far from the entrance to that office were you? How far away was it?

[redacted] We were probably, it was a really small space. We were probably right at the door when we fell. And then him struggling more through the whole incident. We ended up all the way inside the hallway when this, when the incident was over. So, when we fell, we were probably within a foot of the door maybe, a foot or two.

McKelvy: What happened immediately after you guys all fell to the floor?

[redacted] It was a struggle. He was still moving flailing his body. He wasn't complying. They were giving, we were giving orders to stop fighting to put his hand behind his back, which he ignored. I was still attempting to drive stun him inside of that whole, that whole mess. It was, and then I felt him physically trying to take the taser out of my hand.

McKelvy: So, when you fell to the floor, where, how did your body land?

[redacted] I think I was kind of like on my side and my hand, my right hand, which had my taser was underneath him. And I couldn't, I basically couldn't move my whole, I couldn't move any of my body out from under him, because it was his body. And then it was Deputy [redacted] body, and then it was Deputy Romero's body. And then, I don't know who else's body was on top of theirs, so it was a lot of weight that was on me. And I can't remember if I was face down, if I was face up or if I was on my side. I can't remember that. But I just remember not being able to move.

McKelvy: So, with your intention to, to drive stun the suspect while you were on the floor, you said you had the taser in your right hand?

[redacted] Yes.

McKelvy: Alright. So, where, where were you aiming at, what part of the body were you going to put the taser to drive stun him?

[redacted] I can't remember exactly where I was trying to put the taser at that time.

McKelvy: And you were for sure that you were going to, you were aiming it at him, his body?

[redacted] Yes.

McKelvy: It wasn't one of your partners that was right there too, that you -

[redacted] It could have been. It could have been.

McKelvy: So, were you successful in drive stunning him?

[redacted] I'm not sure.

McKelvy: Did you activate the, the taser?

[redacted] Yes.

McKelvy: And, but you don't know where it was going?

[redacted] No.

McKelvy: So, was it possible you could have put it on your partner?

[redacted] It's possible. Or he could have, or at least my partner could have felt some effect from it, yes.

McKelvy: Was the suspect say anything as you guys are, or you guys are on the floor down there?

[redacted] No, I couldn't hear anything.

McKelvy: And his demeanor to you, how would you describe it?

[redacted] He was assaultive, for sure. Yes.

McKelvy: Now you have the suspect's body, [redacted] and Romero, all on top of you,

[redacted] Which I mean, like I said, I couldn't tell, I couldn't tell you exactly how many who was on top. I just fell a lot of weight, and I would imagine it was his body and then my partner's, his bodies as well.

McKelvy: And were you able to eventually get from under the pile?

[redacted] Yeah, I was able to move out of the area.

McKelvy: How do you know how long it took for you to come out?

[redacted] About a minute or so.

McKelvy: When you were employing the taser, did you like do a full cycle?

[redacted] No.

McKelvy: Okay.

[redacted] I don't, I don't think I did, no.

McKelvy: What else was going on while you were on the floor?

[redacted] Commands were given, given to the suspect. That's basically all I was able to, to, to see. I be, I mean, I was, I was like lodged in. I couldn't really see much, I couldn't see hardly anything. And all, all I could do is hear people, hear people saying, you know, stop, stop fighting, you know, stop resisting, things like that.

McKelvy: And you said at some point the suspect tried to get your taser?

[redacted] Yes.

McKelvy: Okay.

[redacted] And I put it out verbally. Like, he's trying to get my taser.

McKelvy: So, let me see if I can try to picture what's going on down there. You're on the bottom of the pile. Your right hand is holding the taser?

[redacted] Yes.

McKelvy: So, you had free movement of that right arm?

[redacted] No.

McKelvy: Was it stuck in one position?

[redacted] It was, it was like stuck, yeah.

McKelvy: And then what did you feel that the suspect was doing when you described it as him trying to get your taser?

[redacted] I could feel, I could feel tug and then like a hand on it.

McKelvy: How did you know it was him?

[redacted] I had to have seen him, but I can't remember seeing it, but I, I had to have perceived some kind of something that told me that it was him trying to take the taser. But I can't remember what it was at this point.

McKelvy: Okay.

Guillen: What was the feeling on top of you? How many, like, did you feel the full amount of everybody on you?

[redacted] Yeah, I felt a lot of weight.

Guillen: And how did that affect you?

[redacted] I got scared. I was scared a little. I was like, yeah, I was a little scary.

Guillen: What was going through your mind?

[redacted] I don't think at the, yeah, I was a little scared. I thought I, I could've died. Maybe that I could've died. That, that kind of went through my head. I was like, man, am I going to get out of this right now, because I mean, everybody's so busy thinking about what, you know, what they're doing and how, you know, they're not thinking that I'm underneath and that I can't breathe, you know, or something.

Guillen: So, you were having trouble breathing?

[redacted] Yeah, a little bit, if I remember correctly. Yeah.

McKelvy: So, you said that you felt someone tugging on your taser. You assumed that it was the suspect. You put it out. Were you, did the taser -

[redacted] No, it never left my hand.

McKelvy: Okay.

[redacted] Yeah.

McKelvy: You didn't get injured by the taser?

[redacted] No.

McKelvy: You didn't? Okay. So, what happened after that point where you're just like, you feeling him tugging at the taser, what happened at that point?

[redacted] After that, I just remember him stopping. And then right after him stopping is where I was able to get into a better position. And then -

McKelvy: Stopping doing what?

[redacted] I, I, him stopping trying to take the taser from my hand.

McKelvy: Okay.

[redacted] Yeah. And then after he stopped attempting to take the taser is where I was able to get out from under the everyone. And then I still, I think I employed it again, a drive stun, like on his hip or his leg.

McKelvy: And then which, so which one, which hip or leg?

[redacted] His left, left side of his body.

McKelvy: And at that point, is he facing down?

[redacted] He's facing down.

McKelvy: And you're on his left side?

[redacted] I'm on his left side.

McKelvy: Okay.

[redacted] And then I -

McKelvy: Did it have any effect on his actions?

[redacted] No, it didn't. So, that's when I, I stopped and I, I put the taser away and I just basically held onto his legs to prevent him from kicking anyone and moving his legs.

McKelvy: And at that point, where, where is he physically?

[redacted] Physically now we're like in the pretty, in the doorway. Like half of his body is outside into the hallway and half is inside the office.

McKelvy: And you're on the left side?

[redacted] Yeah, I'm on the left side. And then I change positions. I put my taser away and then I, I focus on his legs. I hold his legs down, I straddle his

legs to prevent him from moving them. And then I believe Deputy Ruiz was the one that put the hobble on him.

McKelvy: Uh huh.

[redacted] And then that's when I changed positions again. And then I was just holding his legs basically.

McKelvy: And where was you, you were straddling him, where, what direction were you facing?

[redacted] I was facing north.

McKelvy: And would that be towards the lobby area or towards the wall where the closet is?

[redacted] No, I was facing towards like the hallway lobby area. Yeah.

McKelvy: What was going on as you're facing that way, what did you see?

[redacted] All I saw was like, um, deputies on top of him. And that's it. That's all I could see. I, I wasn't able to see anything else. I just heard someone like Deputy [redacted] say, I need a handcuff, and then me handing him a handcuff and that's it.

McKelvy: Could you see him being handcuffed?

[redacted] No. I don't remember seeing that.

McKelvy: And once you were able to get from under the suspect and you're straddling his legs, what is his body doing, the suspect's body?

[redacted] Once I straddle his legs, he's pretty still, but I can, I, I can tell still that he was, he was still resisting because I can hear deputies saying like, hold his hand, you know, don't let go of his hand, and things like that.

McKelvy: So, at that point, you, in your mind, he's still being resistive?

[redacted] Yes.

McKelvy: At what point in your mind that he was no longer being resistive?

[redacted] Once the handcuffs went on, but I, I don't remember seeing the handcuffing. I, I may be wrong with it. I can't remember the part, the, who

or, I just remember handing Deputy [redacted] a handcuff, because they needed two. And then after the handcuffs went on, is when it was over.

McKelvy: So, you're, so you're still on the suspect's legs?

[redacted] Yes.

McKelvy: Why did you remove yourself from the suspect's legs?

[redacted] Why did I move remove myself?

McKelvy: Uh huh.

[redacted] I don't remember ever removing myself from his legs until it was, until it was over.

McKelvy: And what, in your mind, why was it over?

[redacted] Because he was handcuffed and it, he was, it was no longer, he was no longer fighting.

McKelvy: So, can you give me an approximate length of time from when that closet door was opened by [redacted] until he was no longer being resistive, how long do you think that took?

[redacted] It was probably about from the time he opened the door, all the way to the end, probably about 10 minutes.

Guillen: Got a couple questions to back up. At the beginning, you were the handling unit?

[redacted] Yes, sir.

Guillen: Came out as a vehicle suspect, a vehicle theft suspect?

[redacted] Yes, sir.

Guillen: Did you confirm that there was a 180 assigned, or did anybody -

[redacted] Oh, did I confirm it? I don't remember how it was that we confirmed it, but I think that our station usually puts the, the file number inside of the call. And I think that probably was the way that we knew.

Guillen: And then, when you see the suspect through that window at the door.

[redacted] Yes sir.

Guillen: And you're coming up and you saw him like 10 feet?

[redacted] Yes, sir.

Guillen: And then you get to the door, could you see his hands through the window?

[redacted] No.

Guillen: No?

[redacted] I don't remember seeing him, no.

Guillen: Do you remember what you could see through the window?

[redacted] Like his face, his upper body area.

Guillen: And was there any conversation or did he say anything to you, did you say anything to you?

[redacted] I can't remember exactly if I said anything to him. I believe I probably did. Yes, sir.

Guillen: And then when he's in the door, you guys are waiting for MET to arrive, he was on the other side of the closed door. Are commands being given for him to come out?

[redacted] Yes, I believe so.

Guillen: Is he responding to those commands verbally?

[redacted] No, he's just quiet.

Guillen: He was quiet?

[redacted] Yeah.

Guillen: So, you, you guys are telling him stuff, but he's not replying back?

[redacted] Exactly.

Guillen: And, and was that the duration of -

[redacted] Pretty much for the whole, for the most part. If we said something to him and then, and then asked him to say, he would just not say anything to us.

Guillen: And then, so then there's you, you had mentioned between the time you had standing drive stunned him, and then, then you put the cartridge on you, and you said; in between you would use the word, you had said, I think you said Ruiz and [redacted] were fighting him still, but he was refused, but he continued to refuse. What did you mean by that?

[redacted] When [redacted] and Ruiz?

Guillen: Ruiz.

[redacted] Uh huh.

Guillen: So, you said you drive stunned and then you step back, and then they continued to fight and he refused, used the word refuse.

[redacted] Oh, he refused to come out of the closet.

Guillen: What, what did you mean by that? Is he physically refusing? Is he verbally refusing?

[redacted] Both. I remember him saying no. And then he was also using his hands and his, his feet to prevent deputies from touching him or, or gaining control of his body.

Guillen: So, there's a physical struggle going on?

[redacted] Yes.

Guillen: And that's when you came back up and used the cartridge to tase him?

[redacted] Right.

Guillen: And then, when you came up out from under him and you tased him on the hip, what, how was your body positioned, were you standing, kneeling, laying down still?

[redacted]**:** I was, I believe I was on both my knees.

Guillen: Both your knees?

[redacted] Yes.

Guillen: And then you drive stunned slammed him on the left hip?

[redacted] Yes.

Guillen: Those were my final questions.

McKelvy: Now I'm, I'm going to go over your report real quick just for clarification. You wrote, and you can look on, it's on page, let's see, let's see. One, two, page three. 1, 2, 3, 4. Fifth paragraph down, second sentence, you say, "I was only able to use Suspect Matthew's forearm as a location for the drive stun, because Suspect Matthew's forearm was the only available location without being compromised." What did you mean by the word compromised?

[redacted] Without the taser being taken from me is what I meant, I believe. So, the, it's only spot I could have gotten without him physically taking the taser from my hand.

McKelvy: And from your recollection, how many times did you pull the, activate the taser?

[redacted] From my recollection, maybe about five times.

McKelvy: Well, I don't think I have any more questions. And I did forget to put on the record that prior to us conducting this interview today here at this table, I did read you the video admonishment and allowed you to review your body-worn camera footage?

[redacted] Yes, ma'am.

McKelvy: So, I did want to put that on the record. Other than that, I don't have any other questions. You have anything to add?

Perry: Nope, we're good. Thank you.

McKelvy: Alright. Well with that we'll go ahead and go off the record at 1526 hours.

IAB CASE # FO2573670

WITNESS INTERVIEW

[redacted]

McKelvy: Okay. We're on the record. Today is July 10, 2023. The time is 1035 hours. My name is Sergeant Ermina McKelvy, and with me is Sergeant Gabriel…

Akchyan: Akchyan.

McKelvy: Akchyan? Okay. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau, which is under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's office located in the city of Commerce in Interview Room B. Being interviewed today is Deputy [redacted]. And for the record, I'll have everyone go around the room stating your last name and spelling it, and then Deputy [redacted] can you give me your employee number as well, okay?

[redacted] Yes, ma'am.

Akchyan: Gabriel Akchyan. Last name spells A-K-C-H-Y-A-N.

[redacted] Deputy [redacted]. My employee number is [redacted].

Kucharski: Attorney rep, Chris Kucharski. Last name K-U-C-H-A-R-S-K-I.

McKelvy: Thank you. And prior to going on record, Deputy [redacted] I provided you with the Administrative Rights form. Do you understand the form?

[redacted] Yes, ma'am.

McKelvy: All right. And I see that you did check "yes" on both boxes along with your initials stating that you do have the Policy and Ethics chapter of the Manual and Policy and Procedures and you're familiar with its contents. Is that correct?

[redacted] Yes, ma'am.

McKelvy: Did you sign and date the form?

[redacted] Yes, I did.

McKelvy: Okay, and just for the record, is there any reason why we cannot proceed with this interview today?

[redacted] No.

McKelvy: Okay, so again, prior to going on record, I did give you the Video Admonishment advisement and allowed you the opportunity to review your body-worn camera footage. And you did note to me that you reviewed your videos prior to writing your report on the day of the incident. Is that correct?

[redacted] Yes, ma'am.

McKelvy: Okay. Great. All right. So, on January 17, 2023, you were assigned to the East LA Station?

[redacted] Yes, ma'am.

McKelvy: Okay, and do you remember what unit you were assigned?

[redacted] I believe I was Unit 24.

McKelvy: 24? Okay. Did you have a partner?

[redacted] No, I did not.

McKelvy: All right. Now, this incident occurred at [redacted] Whittier Boulevard. Do you remember this incident?

[redacted] Yes, I do.

McKelvy: Okay, and what about the incident took you to that address?

[redacted] It was a call for service regarding a stolen vehicle suspect call.

McKelvy: Were you the handling unit?

[redacted] I was not.

McKelvy: En route the – to the call for service, were there any coordinations being done?

[redacted] I – I don't remember off the top of my head, ma'am.

McKelvy: Okay. Do you remember who the handling unit was?

[redacted] It was Deputy [redacted]

McKelvy: Okay.

[redacted] I believe he was working with Deputy [redacted] I believe they were a two-man car.

Kucharski: You can refer to the report, if you want to.

McKelvy: Okay, and then just for the record, Deputy [redacted] attorney just reminded him that he does have his supplemental report, and he is free to review it if you need to during the interview, okay? So, when you got to the Whittier Boulevard, [redacted] Whittier Boulevard, what – what were you responsible for doing there?

[redacted] When I initially showed up, I responded to the front of the location, which is on Whittier Boulevard, and at that point, I was listening to radio traffic to determine where the suspect was at, where he's last seen, if he was still at the location. It was a little bit after, when I showed up, an assisting unit was around the corner on, I believe it's Bonnie Beach Place. There's an entrance to an underground garage parking lot for that building. So, that unit was there, and he activated the duplex patch advising he was detaining the suspect at gunpoint.

McKelvy: Did you – can you tell me a little bit more about the – what you remember of the call for service? You said it was a stolen vehicle?

[redacted] So, it was a named suspect for a stolen vehicle. So, I don't remember if it was on the call, but the suspect was the victim's [redacted]. And he was described to be wearing, I believe, like, a blue robe.

McKelvy: Had you been to that address before?

[redacted] Yes.

McKelvy: For what reason?

[redacted] Just for calls for service.

McKelvy: And the name – the named suspect, had you known that person before or had any contact with that person before?

[redacted] No.

McKelvy: Okay, so you said who got on a duplex?

[redacted] I believe it was Detective Zeas.

McKelvy: How do you spell Zeas?

[redacted] Can I look on my report?

McKelvy: Sure. Of course.

[redacted] I don't remember.

McKelvy: Okay. No worries. We'll move on. So, you said you heard the detective saying that he had found the suspect?

[redacted] Yes, ma'am.

McKelvy: Okay, and what happened after that?

[redacted] The suspect fled away from the detective and into the apartment complex, the housing complex.

McKelvy: Do you know if anyone had spoken to the informant at this – at this point?

[redacted] I believe the handling unit was trying to make contact with the informant.

McKelvy: Okay.

[redacted] The victim.

McKelvy: So, you heard the suspect fled inside the apartment. Did – did you have eyes on the suspect at that time?

[redacted] I don't remember, ma'am.

McKelvy: Okay.

[redacted] I don't remember.

McKelvy: What did you do when you heard the information over the radio?

[redacted] I responded to Detective Zeas' location.

McKelvy: And where was that?

[redacted] On Bonnie Beach.

McKelvy: Okay.

[redacted] At the entrance of that garage door.

McKelvy: Then what?

[redacted] And then, I don't remember if I actually saw the suspect or if Detective Zeas told me, hey, he ran inside. I – I don't remember that. But at one point, I did go inside the – the garage to clear for the suspect.

McKelvy: How many other units were there with you or on scene?

[redacted] From what I remember, it was Detective Zeas, myself, and one – from what I remember, one other deputy.

McKelvy: Okay, so the handling unit – was it before – before the handling unit arrived that detective saw the suspect?

[redacted] I don't remember at what point the handling unit arrived.

McKelvy: Okay, but at the point that you were in the garage with Detective Zeas, to your knowledge, it was a total of three deputies on scene?

[redacted] From what I remember? Yes.

McKelvy: Okay.

[redacted] I believe so.

McKelvy: All right. Tell me what happened next?

[redacted] So, we went inside to look for the – for the suspect. And I just remember just going through the floors of the apartment complex trying to look for him. And we couldn't find him, and then eventually,

we made our way back to the lobby. And then we determined that he was actually inside a closet.

McKelvy: How did you determine that?

[redacted] I don't remember if somebody said, hey, I hear noises coming from the closet. I – I don't remember that, but then as soon as we got – as soon as we went into the office and tried to open that door, it was locked, and I believe somebody made – one of the deputies [redacted] that – is that closet supposed to be locked, and she said no. It's – when I was in there, it was open -- or unlocked. And then we can obviously, at that point, we heard that there was noises coming from inside.

McKelvy: So, when you heard the noises coming from inside this closet, you said it was in an office?

[redacted] In an office, yes.

McKelvy: Okay. Do you know whose office that was?

[redacted] The name? No. It's just an [redacted] at that housing unit...

McKelvy: Okay.

[redacted] …that housing complex.

McKelvy: How many deputies were there when – with you when you heard the noise coming from the closet?

[redacted] From what I can remember, I believe two.

McKelvy: And at this point, had anyone spoken to the informant?

[redacted] I believe, at that point, Deputy [redacted] and Deputy [redacted] were making contact with the informant.

McKelvy: Was any additional information put out over the air regarding the suspect, who he was, his behavior, was he, you know, mentally unstable? Anything other than just the description that was in the call?

[redacted] I don't remember if that was voiced over the radio. No.

McKelvy: Okay, so you heard the noise in the closet, in the office? What did you do next?

[redacted] We just held our position there until the – we got further information from the handling unit.

McKelvy: Okay, and how long did it take to get additional information?

[redacted] From what I remember, maybe about 10 minutes.

McKelvy: And how was that information relayed to you and the other units standing by?

[redacted] I believe the handling unit. We made contact with him. He spoke to us.

McKelvy: So, it was in person?

[redacted] It was in person, yes.

McKelvy: Okay, so after about 10 minutes, the handling unit, [redacted] and [redacted] they came to the office where the suspect was?

[redacted] Yes.

McKelvy: And so, at that point, how many people – how many deputies were there?

[redacted] I want to say maybe about five.

McKelvy: Was there a supervisor on scene, at that point?

[redacted] I don't – I don't remember if Sergeant Alvarez was already on scene, at that point. I don't remember.

McKelvy: So, what happened once you – once the handling units came to the office where you and the other deputies were standing by?

[redacted] He had a – he had told us that the stolen vehicle was there at the location. He cleared it. That it was there. That the victim had confirmed that that was her car that had been stolen by [redacted] I

believe he told us, at that point, that the suspect had – was [redacted] and [redacted] [redacted].

McKelvy: Okay, so at that point, what were you guys going to do, at that point?

[redacted] I believe, at that point, they contacted the mental health team. I don't remember who contacted them though. But because they mentioned that he was [redacted] and [redacted] they request – and inside the closet, they requested S918 to respond Code 3.

McKelvy: And [redacted] for those who are not in law enforcement, what is that?

[redacted] It's mental health evaluation team.

McKelvy: Okay.

[redacted] So, it's a deputy and then a clinician and they ride together and they respond to calls for service whenever there's any indication that the person may have any mental health issues.

McKelvy: Okay, and leading up until that point where they're calling for the MET team, do you or any of your partners attempt to communicate with the suspect in the closet?

[redacted] Yes.

McKelvy: How was that done?

[redacted] Verbally. So, the door to the closet is closed, and we're verbally talking to him, trying to de-escalate the situation, and asking him to step out peacefully, but he's refusing, at that point.

McKelvy: Is he saying anything in response to the request that you or your partners are making?

[redacted] I don't remember exactly what he says. I – I just remember that he was refusing to come out of the closet or to step out of the closet.

McKelvy: From where he was in the closet, describe for me what his demeanor was.

[redacted] From what I remember, he was being loud, just loud tone of voice. While we were speaking to him, we were using a low tone of voice, trying to just calm him down, you know, that's one of the de-

escalation tactics that we use is, you know, if somebody is being loud, we use a low tone of voice to try to get them to calm down. That didn't work. He just – he was – he was just being loud. I remember he's being loud. At one point, the handling unit believed that maybe having the [redacted] speak to him might de-escalate the situation. So, he escorted her to the closet, had her speak to him to try to convince him to step out, and try to de-escalate the situation, but that didn't work either.

McKelvy: Was that prior to the handling unit requesting the MET team?

[redacted] I believe they had already been requested, but I'm not sure. But I believe they had already been requested.

McKelvy: Okay, now other than the handling unit requesting the MET team, was there any conversation as to the actions and approach that you – you and your team, fellow deputies, were going to make in attempt to get the suspect out of the closet?

[redacted] I'm sorry. Can you repeat that, ma'am?

McKelvy: Right. So, basically this is speaking to, like, a coordination or pre-planning. Anything that you guys were discussing as a method to get the suspect out of the closet?

[redacted] Well, I know we tried – deputies initially tried speaking to him. That didn't work. And then, Deputy [redacted] attempted to have the [redacted] talk to him, so that was the other thing. We were going to have the mental health evaluation team, the deputy and the clinical, try to speak to him. And then, I believe, at one point, when Sergeant Alvarez was there, he also spoke to the – to the suspect.

McKelvy: And this is all prior to the MET team arriving?

[redacted] The – the [redacted] I believe, she spoke to him prior to the MET team arriving. I believe. I'm not 100% sure though.

McKelvy: Okay.

[redacted] And then, I know we – I – deputies spoke to him prior to the mental health evaluation team responding.

McKelvy: What was – in your mind, what was the purpose of attempting to get the suspect out of the closet? Why were you trying to get him out?

[redacted] Because he was a suspect for the stolen vehicle.

McKelvy: And were you aware whether or not the [redacted] was desirous of prosecution?

[redacted] Yes, she was, because she signed the stolen vehicle report whenever she filed it, and she named him as the suspect.

McKelvy: Okay, and then, again, once you guys arrive on scene and [redacted] and [redacted] confirm that the vehicle was still at the location, and you guys knew where the suspect was, were you aware whether or not she still wanted to go forward with the charges?

[redacted] I believe so, yeah.

McKelvy: Okay.

[redacted] At that point, yes.

McKelvy: Okay, so what happened next? Did anything happen other than what you just told me prior to the MET team arriving?

[redacted] No, other than deputies talking to him, the [redacted] spoke to him. I believe the [redacted] even told him nicely, like, I don't know exact words that she used, but she was, like, just come on, step out. If you don't step out, they're going to use force on you. Step out, come on. Just step out. So, I know she spoke to him. Sergeant Alvarez spoke to him, and then the mental health evaluation team deputy arrived with the clinician, and they spoke to him for about – I want to say about maybe 10 minutes.

McKelvy: Approximately how long did it take for the MET team to arrive from when they were first requested?

[redacted] From what I remember, to me it seemed like if it was maybe about 20 minutes, from what I remember.

McKelvy: So, just considering the timeframe from – from the – the time when you found the suspect there in the closet until the MET team came and spoke with the suspect, about how long was that whole process?

[redacted] To me, it seemed like if it was maybe about – maybe 30 minutes. That's what it seemed like to me, but I wasn't keeping track on my watch or anything, but that's what it seemed like to me, about 30 minutes.

McKelvy: Okay. Anything so far?

Akchyan: Just a couple clarifying questions. So, when he was held at the gunpoint, and then, at some point, he fled inside of the apartment complex, was there, like, some kind of a foot pursuit behind it?

[redacted] From what I remember, no. I – I don't – that part, I don't remember. Again, I don't remember if when I responded to that location if I saw him or if Deputy – or Detective Zeas had told me, hey, he ran off. I just don't remember.

Akchyan: So, he just ran off, and they kind of lost sight of him?

[redacted] Visual. And then at one point, we started just trying to look….

Akchyan: Checking the location?

[redacted] …look for him.

Akchyan: Okay, and then, once you guys went into this office and you determined that he's possibly inside there, and would you guys – did you guys find out from the office worker what kind of supplies or what they had inside the closet, anything potentially could be…

[redacted] I didn't ask. I – I believe it was the handling unit and Sergeant Alvarez who might've asked. I – I didn't ask, but we determined that it was, like, a supply closet, like, with brooms and cleaning supplies.

Akchyan: Okay, so that information was provided to you?

[redacted] Yes.

Akchyan: Okay, and as far as – so, you guys are talking to him, and he's replying back to you? That's how you guys were able to verify that he's inside?

[redacted] Yes.

Akchyan: Okay, and then you said he was kind of speaking loud. What was he saying?

[redacted] I don't remember.

Akchyan: Any profanity?

[redacted] I don't remember exactly what he said saying.

Akchyan: Okay. All right. Very well. Okay. That's about it.

McKelvy: Okay, so, at some point, you did – you mentioned that Sergeant Alvarez was on scene. Okay, and then the MET attempted to get him out of the closet, and he still wouldn't come out on his own.

[redacted] Yes.

McKelvy: What happened next?

[redacted] After the mental health evaluation team spoke to him, and they couldn't get him out, Sergeant Alvarez spoke to the suspect again. Again, tried to convince him to step out peacefully, and he wouldn't. I believe by that point, a plan was already formulated. We had formulated a plan, and everybody was designated duties to try to get the suspect out of the closet.

McKelvy: Okay. Tell me about the plan.

[redacted] At the – the – our tactical plan consisted of, I believe, it was Sergeant Alvarez who directed duties to everybody. I was assigned the 40. It was the 40mm. There was a unit to go hands on – or a deputy to go – two deputies to go hands on. One deputy to use the taser. One deputy to be the radio, hot radio. One deputy was going to open the door, hold the door open, and then we were going to have Fire staged. So, in case it was necessary, Fire was already going to be at the location in case the suspect needed medical attention.

McKelvy: Okay, so I know you have your – I have a copy of your report here as well. You articulated that you were assigned the 40, and can you break it down for me. Who was assigned all the other responsibilities that you just mentioned?

[redacted] If I could look in my report now. Deputy [redacted] and Deputy Romero were assigned to go hands on with control holds. Deputy [redacted] was assigned to taser. I was assigned the 40mm, and Deputy [redacted] was assigned to open the door. And it's not – I don't believe – I don't see it on here, but Deputy Ruiz was assigned radio.

McKelvy: Okay. All right. So, every – you guys had a plan. Everybody knew what their roles were. What happened once that was all clarified?

[redacted] So, after the last time Sergeant Alvarez attempted to have the suspect exit and he still refused, that's when Sergeant Alvarez directed Deputy [redacted] to open the door, and then proceed to detain the suspect.

McKelvy: Okay, and then just so I'm clear, the door was locked?

[redacted] The door was – I – I don't remember. I – I don't remember if it was locked or not.

McKelvy: So, you don't – so, as far as if you needed a key, if who was it, [redacted] Did he need a key to open the door?

[redacted] From what I remember, no. I just remember he had a hard time opening it, because the suspect was – the door opens out.

McKelvy: Okay.

[redacted] So, I remember he just had a difficult time trying to overcome the suspect. The suspect was holding onto the door to prevent it from opening.

McKelvy: Give me --

[redacted] I don't remember a key though.

McKelvy: Okay. That's fine. Can you give me a brief outlay of what the room looked like?

[redacted] The room is on the south side of the building. So, there's a – I believe, there's a window that faces onto Whittier Boulevard.

McKelvy: Okay.

[redacted] And then, there's one door to come – from what I remember, there's only one door to go in and out of that office, and that office is about – I'm really bad with numbers, but it's about maybe a little bit bigger from that wall to maybe another – maybe another 3 feet from here. So, from that wall, so another 3 feet.

McKelvy: Okay, so this – this wall that you're describing is – I'm kind of guessing too, like, 12 feet – about 15 feet, 15 feet total with the extra 3?

Akchyan: With that, it's probably going to be 15 to 18 feet.

McKelvy: Okay.

[redacted] So, it's about 15 to 18 feet.

McKelvy: Okay.

[redacted] And then so, there's on the north side of that office, there's a door on the east side, and that's the door that we were using to come in and out. And the closet is located on the west side of that office. And there's a window on – again, on that south side of that office that faces Whittier Boulevard. And then the wall to the east is just a plain wall. There's no windows. From what I remember, there's no windows. There's nothing on that side. And then you had, like, the little desk and furn – little desk and office stuff that the person – that the worker had in there, a chair. I believe all that – a lot of that stuff that could have been removed was removed to give us room inside.

McKelvy: Okay, so in opening the door, you said it opens outward.

[redacted] Yes, ma'am.

McKelvy: Would the door be opening going towards the window that's facing Whittier?

[redacted] Yes.

McKelvy: Okay, and at the time that you were all were making the plan, considering how many deputies including a supervisor was on – in that room, do you feel like you had enough room to maneuver, or do you feel like it was pretty cramped?

[redacted] If – if everything would've have gone accordingly, we would've had enough space. Yes.

McKelvy: Okay. All right. All right. So, I'm going back to the sergeant's last attempt to gain compliance from the suspect to come out on his own out of the closet. What happened from that point?

[redacted] So, the suspect refused. He was still refusing to step out. So, then that's when Sergeant Alvarez directed Deputy [redacted] to open the door, and, like I said, Deputy [redacted], it appeared he was struggling. He was – he was pulling on the door. It wasn't opening. He was finally able to open it up, and then the door opened up completely, and then the suspect was inside the closet.

McKelvy: Once that door opened, tell me what you saw.

[redacted] The first – the first thing that I was trying to look for was to see if he had any weapons on him, because when he was speaking with the mental – the MET deputy, the mental health evaluation deputy, he told him – I heard him when he told him I have a – I have a broom, and I'm going to hit the deputies, something along those lines, like, I'm going to assault the deputies. I have a broom. So, when the door opened, my mentality was let me see if he has any weapons or if he has this broom that he talked about. And sure enough, I could see that he had – I could see a broomstick in between his legs.

McKelvy: So, once you were able to see the suspect, how does he – describe the way that he looks.

[redacted] He's – from what I remember, he's facing us. So, he doesn't have his – from what I remember, he doesn't have his back towards us. He's facing us, so I can – we can see him – we can see him. And the closet is pretty small, so there's not really much room for him to move in there. And he's – he's just trying to push himself away from us as far as possible. But like I said, it's – he couldn't really hide in there, at that point.

McKelvy: Were there shelves in there?

[redacted] I don't remember, ma'am.

McKelvy: Did it seem like it was, like – like, a lot of stuff in the closet or very little?

[redacted] No, it seemed like there was a lot of stuff in there.

McKelvy: Okay. Okay. You said you saw the broom?

[redacted] Yes. The broomstick.

McKelvy: The broomstick?

[redacted] Or some sort of stick.

McKelvy: And then again, the statue of the suspect. Describe that for me.

[redacted] He's pretty big. From what I remember, like, you're talking about, like, his height and weight?

McKelvy: Yes.

[redacted] From what I remember, I want to say he was maybe about – maybe about 5'10", and from what I remember, he was pretty big. I want to say, like, 280 pounds.

McKelvy: And his facial expressions, what – what were they like?

[redacted] I couldn't – I don't remember what his facial expressions were, ma'am.

McKelvy: So, once he opened the door, you were able to gain a quick assessment of who he was, that he had a broomstick. What was the feeling that you had when you saw him?

[redacted] I was afraid that he was going to actually follow through with his what I perceived to be a threat and assault deputies with the broomstick or stick that he had in between his legs. So, that was my concern. That was my mentality.

McKelvy: Did he have on clothes?

[redacted] Yes, he did.

McKelvy: And how did they fit his body?

[redacted] I'm not understanding the question.

McKelvy: Were they tight, loose…

[redacted] Oh.

McKelvy: …multiple layers?

[redacted] I believe he – I believe – I don't remember – I believe he still had that robe on, the one that was described in the call.

McKelvy: Okay.

[redacted] I believe he had a robe on, and the clothes that he had on, I believe they were tight fitting, but I don't remember. From what I remember, they were not tight but just regular, from what I remember.

McKelvy: And from what he had on and the way his demeanor was, did you think other than him – you had a full view of that broomstick, did he have anything else in his hand?

[redacted] He had a cellphone.

McKelvy: Okay. Was he doing anything with his cellphone?

[redacted] I believe he was recording.

McKelvy: Okay, so was it facing downward, the cellphone? Did he have it up?

[redacted] From what I remember, at one point he just had the cellphone. If I remember correctly, he had it in his left hand.

McKelvy: Okay. All right. So, [redacted] opened the door, and the door swing – swung outward toward the wall where the window was?

[redacted] Yes.

McKelvy: Okay. At that point, how close to the suspect was Deputy [redacted]

[redacted] I would say maybe about 5 to 6 feet.

McKelvy: Did Deputy [redacted] have to hold the door open or once it opened, it stayed open on its own?

[redacted] I don't remember, ma'am.

McKelvy: And who was standing to – so, would that have had Deputy [redacted] standing next to that window or the wall?

[redacted] It would've. Yes.

McKelvy: And who was standing to the right of Deputy [redacted]?

[redacted] I don't remember, ma'am.

McKelvy: Where were you standing?

[redacted] I did remember – I was standing -- at that initially, I was maybe about – maybe about 8 feet from the suspect, about 8 to 10 feet from the suspect. I do remember there were deputies in front of me, and I do remember telling them move, like, move out of the way when Sergeant Alvarez directed the force.

McKelvy: Okay.

[redacted] So – but I don't remember who – who was exactly where.

McKelvy: Where was Sergeant Alvarez?

[redacted] He was – from what I remember, he was to my right.

McKelvy: Okay, so [redacted] opens the door. He sees the suspect standing there. Did anyone give the suspect directions on what you wanted him to do, at that point?

[redacted] Yes.

McKelvy: What was given – what was direction?

[redacted] I believe it was step out, step out, and then I know I told him – I gave him commands to step out of the closet.

McKelvy: Okay, so would it be safe to say that multiple deputies were giving the suspect instructions?

[redacted] I know when I was, I was the only giving him the commands to step out, step out. I don't remember if anybody else was if it was multiple or just one more other than myself.

McKelvy: And that preplanning with Sergeant Alvarez, was anyone designated as the person to communicate with the suspect?

[redacted] I don't remember, ma'am.

McKelvy: So, how long were you guys standing there with the door open trying to convince the suspect to comply?

[redacted] A few seconds, I believe.

McKelvy: And what happened after that?

[redacted] Maybe, like – he didn't comply, and then Sergeant Alvarez directed me to use the 40mm.

McKelvy: And what happened after?

[redacted] And then I used it.

McKelvy: Okay.

[redacted] I employed it.

McKelvy: How so?

[redacted] I stood approximately 5 feet from him, and then I aimed towards his lower center mass, and then it hit him in his abdominal area.

McKelvy: Okay. When you employed that 40, where was the suspect standing inside the closet?

[redacted] He was, I guess you could say, in the north part of that – the closet.

McKelvy: Okay, so he wasn't standing directly in front of the door? He was offset inside the closet?

[redacted] Slightly offset, yes.

McKelvy: Did you have a clear target acquisition when you fired the 40?

[redacted] Yes.

McKelvy: Okay. Did the round hit where you intended it to hit?

[redacted] Yes.

McKelvy: Was it as effective as you wanted it to be?

[redacted] No.

McKelvy: So, what was his response to being hit by that?

[redacted] From what I remember, there was no response. He didn't – it seemed to have no to little effect on him. He didn't – he didn't – yeah, I think the only thing that he yelled is they shot me, but that's it. He didn't appear to have any – it didn't appear to have to any effect on him.

McKelvy: And what effect was it that you were attempting by – by employing the – the 40?

[redacted] That it would cause him to, at that point, just turn around and say okay, that's it. I – I'll put my hands behind my back and then just detain him safely.

McKelvy: Okay. What happened after that?

[redacted] After we observed that – or I observed that it had little to no effect, a few seconds after that – or we gave him verbal commands to step out, put his hands behind his back. He didn't comply. Sergeant Alvarez directed me again to use the 40 again.

McKelvy: Okay.

[redacted] The 40mm.

McKelvy: From the time you employed the first round to the time you deployed – employed the second round, how much time passed?

[redacted] From what I remember in my mind, it was maybe, like, about 15 seconds, 15, 20 seconds. That's what I remember.

McKelvy: And what was your method for employed the second round?

[redacted] It was the same thing. To have a clear target and then aim towards his lower center mass, which I did. I employed it, and then it again hit his abdominal area.

McKelvy: And what was the suspect's response to the second round?

[redacted] It was the same – the same thing, little to no effect.

McKelvy: Okay, so what happened after that?

[redacted] After that, we reassessed, because we observed that it had little to no effect on him. So, after we reassessed, Sergeant Alvarez directed deputies to go hands on, just try to detain him at that point.

McKelvy: Who did he instruct to do that?

[redacted] Deputy [redacted] and Deputy Romero, I believe.

McKelvy: And again, the distance that you were standing when you fired the second round was what?

[redacted] It was approximately 5 feet.

McKelvy: Okay, so after you deploy your second round, what did you do?

[redacted] I stepped back, and then that's when Sergeant Alvarez – well, Sergeant Alvarez directed units to go hands on. That's when I stepped back. And then just to prevent the suspect from either charging out or running out and trying to gain control of my weapon, I turned my body away from him, and then eventually I ended up reloading the – the 40mm, in case we needed it again.

McKelvy: So, at that point, how far away are you standing from the suspect?

[redacted] That's when I stepped back, and I move maybe – from the suspect, I was maybe about maybe 10 – 10 feet from him.

McKelvy: Was the suspect saying anything after you deployed – employed the second round?

[redacted] I don't remember, but if I could look at my report and see…

McKelvy: Sure.

[redacted] …if I put anything on there. You know, from what I remember from what I put on my report, I don't – I don't remember him saying anything, and I didn't put anything on here. I just – it just had no effect on him.

McKelvy: Okay. All right. So, we have [redacted] and Romero being directed to go and get the suspect, use, you know, go hands on and get the suspect out of the closet. What did you see or hear, at that point?

[redacted] I couldn't see anything because from my point of view, the deputies were in front of me, and then the suspect was in front of them. So, I couldn't see the suspect, at that point. And then again, because I turned my body this way…

McKelvy: And just for the record here, you're turning to your right.

[redacted] I'm turning – yes, to my right towards the door of the office, not the closet, of the office. So, I'm turning my body away from the suspect, so I can't – at that point, I couldn't see what was going on.

McKelvy: And what did you hear?

[redacted] Eventually, I heard a taser being deployed. Sergeant Alvarez directing for the taser to be employed.

McKelvy: What happened then?

[redacted] I could hear a taser being employed. I couldn't see who used it, but I do know that Deputy [redacted] was the one who had been designated as the taser.

McKelvy: And how long did you hear that sound of the taser?

[redacted] A few seconds. I mean, maybe 3 to 5 seconds, maybe from what I remember.

McKelvy: What happened after that?

[redacted] I – I kept hearing verbal commands to have the – the suspect comply, but he was still being uncooperative. I – I remember, at one point, he – they were giving the suspect commands, and he yelled out, like, "no," like, "no."

McKelvy: Then what happened?

[redacted] Can I look at my report, ma'am?

McKelvy: You don't even have to ask me that. Go ahead and look.

[redacted] So, the second time after the taser was deployed – they employed the first time, the second time, Deputy [redacted] yelled out "taser, taser, taser." And then it was ineffective because the suspect kept resisting, at that point.

McKelvy: Now is that something you're hearing or something you saw?

[redacted] I believe, at that point, I did turn, and I just saw them struggling with the suspect still.

McKelvy: Describe – describe for me what the struggle was.

[redacted] I could see the deputies trying to gain control of him, and he was still being resistive, at that point. He's shaking his body violently left and right. He's still not complying with orders to put his hands behind his back to get handcuffed. So, he's still being resistive, at that point.

McKelvy: So, you're just describing, and I saw you have both of your hands in a fist. Is that what you're using to describe the deputies doing what?

[redacted] Trying to gain control of him, of his hands.

McKelvy: Okay, so you said that [redacted] deployed a second round of the taser?

[redacted] Yes, ma'am.

McKelvy: For how long?

[redacted] I – I don't remember how long that one was.

McKelvy: What happened after that?

[redacted] After that, Deputy [redacted] placed – Deputy [redacted] and Deputy [redacted] placed the suspect against the wall.

McKelvy: The wall inside the closet?

[redacted] No. I believe this was the wall just – from what I remember, it was the wall just, if you're facing the closet, just right of it.

McKelvy: Okay, so at some point they were able to get the suspect out of the closet?

[redacted] To get him out of it. Yes. To get him out.

McKelvy: But he still wasn't submitting to being handcuffed?

[redacted] Correct.

McKelvy: Okay.

[redacted] So, at one point when I – when I looked, they place him against the wall, trying to still gain control of him.

McKelvy: And it was just those two deputies attempting to control him, at that point?

[redacted] I don't remember if it was just the both of them or if there was another deputy involved.

McKelvy: What happened next?

[redacted] He – the suspect continued to resist. He kept – at that point, he was trying to – the suspect was trying to push his body against the wall to try to free himself or try to – to prevent deputies from handcuffing him.

McKelvy: So, right now, you – I saw you – you had both or your hands facing outward towards me. What is that a description of, like, who's doing that?

[redacted] It's the suspect pushed, like, pushing himself against the wall. I don't know if he was using his actual hands or if he was using his body to push himself away from the wall towards the – towards the deputies.

McKelvy: Okay, so was the suspect facing the wall?

[redacted] Yes.

McKelvy: Okay, and the deputies were facing the wall as well?

[redacted] Yes.

McKelvy: Okay, and so, the suspect was pushing – somehow pushing his body away from the wall into the deputies?

[redacted] Yes.

McKelvy: Okay. What happened next?

[redacted] Deputy or Sergeant Alvarez directed deputies to do a takedown…

McKelvy: Okay.

[redacted] …at that point. So, after the takedown, they were – the deputies weren't able to actually take him down all the way. The suspect landed on his knees, and he still continued to resist, at that point.

McKelvy: Okay, so the takedown, who was involved in the takedown?

[redacted] Deputy [redacted] Deputy Romero, and Deputy [redacted].

McKelvy: Okay. You said the suspect didn't land all the way on the floor…

[redacted] Correct.

McKelvy: …and landed on his knees?

[redacted] Yes.

McKelvy: Okay. Where was his body positioned, at that point?

[redacted] When he was on his knees?

McKelvy: Yes.

[redacted] I believe, by that point, he was facing north. So, his body is facing – he's facing the door to exit the office.

McKelvy: Okay. All right. So, as he – he's on his knees, what are the deputies around him doing?

[redacted] They're trying to gain control of his hands again, but the suspect is able to use his right hand, and he's able to reach over to the office door, not the closet door, the office door. He uses his right hand to use it as leverage to prevent him – deputies from gaining control of him.

McKelvy: Okay, so from the point where he's on the wall to where that door to the office is, how much space is that?

[redacted] Again, I'm really bad with measurements, but I want to say it's maybe, like, about 5 to 6 feet.

McKelvy: So, when he ends up landing on his knees, how – at that point, how close to the door is he, like, because I know you said he was able to use his hand?

[redacted] How close was he to the door handle?

McKelvy: Right, 'cause he fell, so I mean, that – I don't know. Thinking about how big the room is when they were able to attempt a takedown and move him away from the wall. He falls to the floor to his knees. That, to me, that momentum – did his momentum take him closer to the door, at that point?

[redacted] I believe – yes, it did, and he was maybe about from when he – from when they did the takedown, from what I remember, he was maybe about, like I said, maybe about 5 to 6 feet from that door.

McKelvy: Okay. Who – who was on the suspect's right side? That would've made that person – that deputy closer to that door as well, correct?

[redacted] Yes, but I – let me see if I can – I don't remember who was on his right side.

McKelvy: Okay, so what else did you see him do at – while he, you know, just using his hand on the door handle?

[redacted] I just remember the deputies trying to gain control of him. The suspect had his right hand on the door handle. Deputy [redacted] was able to remove his hand, and then, at one point, the suspect – at this point now, I believe he's able to crawl. He was – I don't think he was moved. I believe he was able to crawl towards the exit of that office. So, now he's...

McKelvy: Where is he standing, at that point?

[redacted] I'm standing – at this point now, I'm standing closest to that south wall, where that window was at.

McKelvy: Okay.

[redacted] Because I still have the 40mm in my hands, in my possession. So, I'm standing by the wall. So, I could see the deputies by the – the threshold of that exit door, and they have their back towards me. So, I can't see who is who, at that point.

McKelvy: So, you say you saw the suspect crawling towards the – the door?

[redacted] I believe he --- he had to have crawled towards the door, because I – I don't know how he got from that takedown position to the threshold of the door. I – I don't know how he got there. I'm assuming he – he must've crawled. He must've crawled there.

McKelvy: Okay, so what else happened next?

[redacted] After Deputy [redacted] removed the suspect's hand, from what I recall, the suspect was on his knees and on his hands. So, he's on all – on all fours, and he's – we're still giving commands to him to stop resisting, and he's still being noncompliant, at that point.

McKelvy: Is he saying anything?

[redacted] From what I remember? No. I – I don't remember if he was saying anything, at this point.

McKelvy: Okay. Tell me what else happened.

[redacted] I was – from where I was standing, I could see that – so, he's on all his fours. I could see him pushing his body up away from the floor attempting to -- from what I believe, it looked like if he was trying to stand up to get up even though he had four deputies there. He's trying to push himself off the floor. It looked like if he was trying to stand up.

McKelvy: And what happened next?

[redacted] After that, I heard the taser being used, and then I heard Deputy [redacted] saying "He's taking my taser."

McKelvy: Okay. When you heard the taser being used for the third time, how long could you hear that sound?

[redacted] I don't remember, ma'am. A few seconds.

McKelvy: Was it equal to or greater than or less than the other two deploy – employments?

[redacted] From what I remember, I believe it was equal to.

McKelvy: Okay.

[redacted] From what I remember.

Akchyan: It was, like, a full cycle of taser?

[redacted] I – I don't remember if it was a full cycle. I honestly don't remember.

Akchyan: Sorry to interrupt.

McKelvy: Go ahead.

Akchyan: Just to confirm, was it the prongs or just the drive stun?

[redacted] I – I don't know. I couldn't see. From where I was at, I couldn't see. I couldn't see if it was one or the other.

McKelvy: And at that point, because you're standing by the wall by the window, I know you mentioned [redacted], you mentioned [redacted]. So, that's two deputies. How many deputies total were involved on --- on that part of the use of force when they were attempting to gain control of him?

[redacted] When he's already on the ground on all fours?

McKelvy: Yes.

[redacted] Four.

McKelvy: Four deputies? Okay, so we had [redacted]l, we had [redacted]. Who else was it?

[redacted] [redacted] and Romero.

McKelvy: Okay. Got it. Continue.

[redacted] So, then I – I was able to hear Deputy [redacted] say that the suspect has his taser. I heard Deputy Romero give commands to the suspect to stop fighting, and then I observed Deputy Romero hit the suspect one time on the left side of his face with his right fist.

McKelvy: Okay, so you describe the suspect being on all fours and using – I'm assuming, using his hands to try to push up off the floor, okay? Other than that movement, what else was the suspect doing that you would describe as him being resistive?

[redacted] While they're – we're – they're giving him verbal commands to stop, and he's not. They're telling him put your hands – stop fighting, stop

resisting. From what I remember, he's dragging himself out of the room. Like, he's still able to – even those he has the deputies on, like, on top of him essentially, he's still able to move his body past the threshold of that, of the – the office door.

McKelvy: Okay, and so you just describe "even though the deputies were on top of him," tell me more about that.

[redacted] I know at one point Deputy [redacted] got on top of him. So, he – if the suspect's on – on all his fours, Deputy [redacted] gets on top of him. I believe it was his intent to use his body weight to stop him, but it still had no effect.

McKelvy: Okay.

[redacted] And then when Deputy Romero hit the suspect on the face, a few seconds later, that was able to work. And then he – the suspect put his arms down and now he's completely flat on the ground. Now he's not on all fours. Now he's completely flat on the floor.

McKelvy: Okay.

[redacted] Because I observed that they were still having a hard time with him, I gave the 40mm to Sergeant Alvarez, and then I went over, and I assisted with the handcuffing.

McKelvy: How so?

[redacted] I went over to the suspect's left side, and I assisted Deputy Romero with handcuffing. So, I used my hands to control the suspect's left hand, while Deputy Romero placed the handcuff. And then I transitioned over to the suspect's right side, and then that's where Deputy [redacted] was at, and he was holding onto the suspect's right hand. And then it was during that point, that I could still see, and I could feel the suspect attempting to break free, because he was pulling away from Deputy [redacted]. And at one point, I – I was afraid he was going to break loose, because I even yelled – or not yelled, but I told Deputy [redacted], "Don't let go, don't let go, don't let go," because I can feel the suspect still pulling his hand away from Deputy [redacted]. So, then it was at that point that I was able to place the cuff on his right hand, and then the two cuffs were placed.

We had to use two. Because of his body size, we had to use two – two sets of handcuffs.

McKelvy: Okay, and I'm going to go back to when you were on the left side with Deputy Romero. What was the suspect's actions when you were controlling his left side, his left hand?

[redacted] His body was tense, and he was trying to break free from my grip. So, he was trying to pull away from me. So, I – I just remember holding on tightly onto his hand to prevent him from breaking my – my grip of his – of his hand.

Akchyan: With both hands?

[redacted] With both of my hands. Yes.

McKelvy: Okay. All right. So, with the use of two handcuffs, you joined the two handcuffs together or who did that?

[redacted] I – I did.

McKelvy: Okay, and once the two handcuffs were joined, what was the suspect's behavior, at that point?

[redacted] He was…

McKelvy: Was he still resisting, at that point?

[redacted] From what I remember, no, because he was already handcuffed, at that point. I – I'm assuming, at that point, he just figured, like, I'm – I'm handcuffed. There's – there's not much more that I can do.

McKelvy: Okay, so, at that point, where the suspect is no longer being resistive, and he's handcuffed securely, did he complain of any pain?

[redacted] I believe he was saying something about his face.

McKelvy: Okay.

[redacted] I believe that's what he was complaining about.

McKelvy: Did you observe any injuries on the suspect's face?

[redacted] Yes. I observed – he had blood and swelling on the left side of his face.

McKelvy: How about the impact of the 40? Were you able to see if he had any visual – visible injuries from the 40mm?

[redacted] No. No, because we…

McKelvy: No, meaning you didn't see any?

[redacted] No, I didn't see any.

McKelvy: Okay.

[redacted] No.

McKelvy: All right. So, once he was cuffed – handcuffed and you personally saw that he did have blood, was there any medical aid provided to the suspect by the deputies?

[redacted] Yes, he was placed – he was immediately placed on his recovery position, and then because we – part of our tactical plan was to have Fire staged, Fire was already there. So, he was – Fire responded and treated him immediately.

McKelvy: Okay. All right. So, once everything was in a static state with Fire there providing – rendering aid for the suspect, was there a debrief that was done?

[redacted] We usually do have debriefs, so I believe so. I don't remember if there was, but we usually always do have debriefs after incidents like this.

Akchyan: Can you please describe the recovery position?

[redacted] Oh, it's when you place a – the person on their left side.

McKelvy: Okay. On the left side?

[redacted] Of – of their body.

McKelvy: And they're, like, laying down?

[redacted] They're laying down.

McKelvy: Okay.

Akchyan: And as far as injuries -- just going back, initially when the door was open to the closet when you first had looked at the suspect, did you see any visible injuries on him?

[redacted] Not that I can tell. No.

Akchyan: Okay, and as far as, like, the – what was the cause of that swelling on his face or the blood?

[redacted] I don't know. I mean, I can't tell, you know, what the cause was.

Akchyan: Okay.

McKelvy: Did you – did you report your actions during the force and what you observed any other deputies using force, did you report that you a supervisor?

[redacted] Yes, to Sergeant Alvarez.

McKelvy: And when was that done?

[redacted] Immediately.

McKelvy: Okay.

Akchyan: I just want to cover one more thing. When you were listing all the – who was assigned what, was there somebody with the lethal option?

[redacted] I don't remember. And I know it's not on here, because I would – I would remember it. I don't remember if somebody was assigned.

Akchyan: I mean, obviously everybody can't list…

[redacted] (unintelligible). Yes.

Akchyan: …their weapon, but was there anybody just, hey, you got the lethal?

[redacted] from what I remember, I – I don't remember if somebody was assigned lethal.

McKelvy: Okay, now going back to what you were assigned as your part in the use of force, the 40mm. Can you – can you describe that weapon for me?

[redacted] It's a 40mm that deploys a projectile, and it's a – it projects a foam baton at a suspect.

McKelvy: When were you last trained on that weapon?

[redacted] [redacted]

McKelvy: How many trainings have you completed using that weapon?

[redacted] Off the top of my head – throughout my career, you're talking about?

McKelvy: Yes.

[redacted] I want to say [redacted]

McKelvy: Okay, and I usually do this first, but I'm going to do it now. Just give me a brief history of your assignments since you've been on the department.

[redacted] After graduating the academy, I was assigned to [redacted]

McKelvy: What year was this?

[redacted] This was in – I graduated the academy in [redacted] so in [redacted] I went to [redacted] And then I was there for approximately [redacted] And then I went to [redacted]

McKelvy: Which station were you assigned?

[redacted] [redacted]

McKelvy: Okay, and as of January 2023, how long had you been on patrol?

Macias: [redacted]

McKelvy: I see today you are wearing a uniform with [redacted] on there?

[redacted] Yes, ma'am.

McKelvy: Are you a [redacted]?

[redacted] Yes, I am.

McKelvy: Okay. When did you become a [redacted]?

[redacted] I became a training officer [redacted]

McKelvy: Okay. Do you have anything else?

Akchyan: As far as the 40, was it the double barrel, single barrel?

[redacted] The double barrel.

Akchyan: The double barrel? And as far as the (unintelligible), was it assigned to you or you got it from the sergeant?

[redacted] No, the sergeant. Yeah, we don't have it assigned to us.

Akchyan: Okay, and as far as the additional rounds, you guys have some kind of a vest with a 40?

[redacted] It's a bag that has additional rounds in there.

Akchyan: So, you just carry a bag with you? Okay.

[redacted] Well, it's in the sergeant vehicle, so yes. So, whenever we…

Akchyan: So, when you pick up the vehicle?

[redacted] Yes, it's – we take the bag with us, the little bag that carries the extra rounds.

McKelvy: Okay. All right.

Akchyan: I think that's all I have.

McKelvy: Do you have anything?

Kucharski: I have nothing further.

McKelvy: All righty. With that, we'll go ahead and go off the record at 1139 hours.

FO 2570670

INVOLVED EMPLOYEE INTERVIEW

DEPUTY [redacted]

McKelvy: We are on the record. Today is July 19th 2023. The time is 1128 hours. My name is Sergeant Ermina McKelvy and with me today is Sergeant Terrence Smith. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau, under the command of Captain Ron Kopperud. We are at the Internal Affairs office, which is in the City of Commerce and we are in interview room A. This is an involved employee interview regarding a force investigation under case #FO 2570670. This incident occurred on January 17th 2023. Being interviewed today is Deputy [redacted]. Deputy [redacted] please state and spell your first and last name for the record along with your employee number.

[redacted] First name [redacted] last name [redacted], and employee number [redacted]

McKelvy: And representing Deputy [redacted] is Attorney Matt Gelfond. Sir, can you please state and spell your first and last name for the record.

Gelfond: Matt Gelfond M-A-T-T, last name G-E-L-F-O-N-D.

McKelvy: Thank you. And for voice recognition, Sergeant Smith, will you spell your last name, please?

Smith: S-M-I-T-H.

McKelvy: Okay. Deputy [redacted], prior to going on record, I provided you with a Administrative Rights Force Shooting Investigation form. Did you have an opportunity to read the form?

[redacted] Yes.

McKelvy: Did you understand the form?

[redacted] Yes.

McKelvy: Do you have any questions about this form?

[redacted] No.

McKelvy: Okay. I see that you have checked 'yes' on both the boxes, stating that you do have the Policy and Ethics chapter of the Manual of Policy and Procedures and you're familiar with its contents. Those boxes have been initiated by you, is that correct?

[redacted] Yes.

McKelvy: Did you sign and date the form?

[redacted] Yes.

McKelvy: Okay. Deputy [redacted] how long have you been employed by the LA County Sheriff's Department?

[redacted] About three years.

McKelvy: Three years, okay. And can you give me a history of your assignments, starting with your academy class.

[redacted] My academy class is Class [redacted], then after I graduated the academy, I went and worked at [redacted]

McKelvy: When were you in the academy?

[redacted] From [redacted].

McKelvy: M-hm. And from there, you say you were assigned to [redacted]?

[redacted] Correct.

McKelvy: Okay, from [redacted]?

[redacted]**:** Until [redacted]

McKelvy: Okay, and where did you go after that?

[redacted] I went to the East Los Angeles Sheriff's Station.

McKelvy: 2022, correct?

[redacted] Correct.

McKelvy: Alrighty. Were you assigned to East Los Angeles Station on January 17th 2023?

[redacted] Yes.

McKelvy: Were you on duty that day?

[redacted] Yes.

McKelvy: What hours did you work?

[redacted] I believe it was [redacted]

McKelvy: You worked a double shift?

[redacted] Yes.

McKelvy: During dayshift, what was your call sign?

[redacted] During dayshift.. I don't recall what my call sign was that day.

McKelvy: Did you.. let me check.. If I showed you a copy of the in-service, would that refresh your memory?

[redacted] Yes.

McKelvy: Okay. I'm going to show Deputy [redacted] a copy of the AM shift in-service for East Los Angeles Station dated Tuesday, January 17th 2023. Do you see your name on that in-service?

[redacted] Yes. So unit 22.

McKelvy: Unit 22, okay. Did you have a partner?

[redacted] No.

McKelvy: And were you wearing a uniform identifying you as a deputy sheriff?

[redacted] Yes.

McKelvy: Okay. This incident resulted from a call for service at [redacted] Whittier Boulevard in Los Angeles. Did you respond to that call?

[redacted] Yes.

McKelvy: How did that call come about?

[redacted] I believe it came out as a priority, and it was a 10-29 Victor suspect was at the location.

McKelvy: What does 10-29 Victor suspect represent?

[redacted] Stolen vehicle suspect.

McKelvy: Stolen vehicle suspect. And what do you remember about the call for service?

[redacted] I just remember that the informant's [redacted] who had stolen her car the day before, was at the location.

McKelvy: And the call? Did it describe the suspect or was he a named suspect?

[redacted] It was a named suspect.

McKelvy: Okay. And did you have a description of who he- what he looked like?

[redacted] I believe yes.

McKelvy: What was the description?

[redacted] I don't recall what the call stated.

McKelvy: Okay. Did you have the handle on the call?

[redacted] No.

McKelvy: Who did?

[redacted] Unit 23 did.

McKelvy: And who was Unit 23?

[redacted] Deputy [redacted] and Deputy [redacted]

McKelvy: Was the call coordinated?

[redacted] Yes.

McKelvy: How was that done?

[redacted] I believe it was 911B at a certain location.

McKelvy: How was that coordinated?

[redacted] Over L-TAC.

McKelvy: Over L-TAC. And you said 911B. What does that mean?

[redacted] Meet at a certain location.

McKelvy: What was your assignment?

[redacted] To meet at that certain location.

McKelvy: And when you got there, what did you do?

[redacted] I believe we walked to an apartment complex. I believe we walked towards the actual entrance of the complex.

McKelvy: Who met up with you there, at the complex?

[redacted] I just remember Deputy [redacted] and Deputy [redacted] were there.

McKelvy: Did anything happen that was transmitted over the radio prior to you arriving there, concerning the call?

[redacted] I don't recall.

McKelvy: You don't recall. Do you know who put out the call for service? Or was it a call for service that came from Dispatch at East Los Angeles Station or just was the call generated by some other means?

[redacted] SCC.

McKelvy: SCC?

[redacted] The one that put out the EE call.

McKelvy: Okay, tell me more about that.

[redacted] So I believe it was- so it was a priority call, so it came out over our handheld radios, and they're the ones that put it out, if I recall correctly.

McKelvy: What did they say about the call?

[redacted]: I don't recall exactly.

McKelvy: Okay. So, you're there with [redacted] and [redacted], correct?

[redacted] Correct.

McKelvy: What did you, [redacted] and [redacted] do?

[redacted] They were trying to get entry into the actual apartment complex, like up to the front door. So, because there's a code to get in, so we were waiting trying to get that code to get into that complex to make contact with the informant.

McKelvy: Okay. Were you able to make entry?

[redacted] I believe we were not.

McKelvy: What happened?

[redacted] Then that's when, if I'm not mistaken, Deputy Zeas opened up the patch and said that he.. had a visual on a person matching the description of the suspect.

McKelvy: And when you say 'patch', what does that mean?

[redacted] Our duplex patch so that everyone can hear what's going on.

McKelvy: And did Deputy Zeas say where the suspect went?

[redacted] Yes, he said he saw him in, like, the parking garage area.

McKelvy: Anything else?

[redacted] I believe he described how he looked, so we confirmed that it did match the description.

McKelvy: Did he put the description over air for you and the other responding deputies to know?

[redacted] Yes, I believe yes.

McKelvy: What did he say the suspect looked like?

[redacted] Male Black. I just remember that.

McKelvy: Anything about his clothing?

[redacted] I don't recall.

McKelvy: So once Deputy Zeas put out that additional information, what did you do?

[redacted] So I went to where Deputy Zeas' location was--

McKelvy: Where was that?

[redacted] --which was on the.. would be the east side of the property.

McKelvy: M-hm.

[redacted] So we're standing on the sidewalk. You could see the parking garage that was there.

McKelvy: M-hm.

[redacted] And then we saw the suspect in, like, kind of against the entrance towards the parking structure.

McKelvy: Where did you see the suspect?

[redacted] Standing at the entrance of the parking structure, like, in that general area.

McKelvy: Once you see him, describe for me what you're looking at.

[redacted] The male Black, wearing I think it was, like, pajamas, a robe kind of.

McKelvy: What color?

[redacted] A dark color.

McKelvy: M-hm. And as far as, like, his physique. Can you describe that for me?

[redacted] Bigger, a little heavier set. Taller than me for sure.

McKelvy: How tall are you?

[redacted] I'm 5'8.

McKelvy: Okay. What about, like, can you give me a weight?

Contreras: For me or for--

McKelvy: For the suspect.

[redacted] Maybe 250, 260.

McKelvy: Could you see his face?

[redacted] Yes.

McKelvy: How does his demeanor and what did his facial expressions show you?

[redacted] Like, angry, why we were there trying to contact him.

McKelvy: Did he say that?

[redacted] I don't recall if he said anything at that point.

McKelvy: So, what gave you the impression at this phase that you're describing it as him questioning why you were there?

[redacted] Oh, so deputies- or someone was trying to call him over towards us and he didn't comply with any of the commands.

McKelvy: Okay. So, what did he do?

[redacted] He walked towards the inside of the actual parking structure, at which point the gate closed, so we were separated by that gate and the structure.

McKelvy: How far away from you was the suspect when you saw him?

[redacted] Originally?

McKelvy: When you first saw him there, yes.

[redacted] Probably 50 feet.

McKelvy: When he made entrance into that par- you said it was a parking structure?

[redacted] Yeah, like, the parking lot of…

McKelvy: How far away was he at that point?

[redacted] From--

McKelvy: So, was he at the entrance to the parking structure at 50 feet from you?

[redacted] Yes, yes.

McKelvy: Okay, alright. So, he goes through- is it, like, a opening like where the vehicles would travel through?

[redacted] Yeah, where vehicles would travel through.

McKelvy: Alright. So, about how long was it that you guys saw, that you saw the suspect standing there at the parking structure before he made entry?

[redacted] 30 seconds.

McKelvy: 30 seconds, okay. So, once he goes inside and then the garage door closes, what happens next?

[redacted] He begins walking essentially westbound through the parking structure and then he goes through a.. a door and then out of view at that point.

McKelvy: So, you had, you were able to see from the sidewalk through the parking structure?

[redacted] Yeah.

McKelvy: Could you describe for me, like, what kind of gate that was?

[redacted] Not chain-link but that style I guess where you could see through it.

McKelvy: Okay. It wasn't solid.

[redacted] No.

McKelvy: Okay. So, you see him go through a door, you say?

[redacted] M-hm.

McKelvy: Where'd that door lead?

[redacted] Originally I didn't know, but once the front door's fin- the driver's door opened back up, we went inside and it was a stairwell that, if I can

recall, led to the.. patio area of the apartments, like, the center of the apartments.

McKelvy: M-hm. So you went through that door to the stairwell? Is that where you went?

[redacted] Yes.

McKelvy: Okay, who was with you?

[redacted] Deputy Zeas I believe was with me as well.

McKelvy: Just the two of you?

[redacted] There was one more person; I just don't recall who it was.

McKelvy: Okay. So, when you first got outside, when you first met up at the location, it was you, [redacted] and [redacted]

[redacted] That's what I can recall.

McKelvy: And then when you went into the parking structure through that door that led to the stairwell, it was just you and Zeas. You don't know where [redacted] and [redacted] went.

[redacted] N,o I don't remember.

McKelvy: Okay, so what else did you do once you entered that stairwell?

[redacted] So, once we went into that stairwell, it led to, like, that patio courtyard, whatever, of the apartment.

McKelvy: M-hm.

[redacted] We didn't see where suspect was at that point. So, we didn't know. So, we were trying to look in the general vicinity where suspect could be.

McKelvy: What happened next?

[redacted] Someone - I believe it was Deputy [redacted]- put out on the radio that he- the suspect was in a [redacted] closet, the apartment [redacted] closet.

McKelvy: What radio frequency is this transmitted over?

[redacted] I believe this is still on Dispatch 3 on the patch.

McKelvy: Do you know if Aero was on scene at that time?

[redacted] Aero was on scene, yes.

McKelvy: They were on scene, okay. So, you hear on Dispatch 3, possibly by [redacted] that the suspect was in a closet?

[redacted] Yeah.

McKelvy: And where was that closet located?

[redacted] On the south of the property, kind of towards somewhat the entrance of the- actually the whole apartment complex.

McKelvy: So, you hear that information. What did you do?

[redacted] So, I began going towards where that area- where that room was.

McKelvy: How long did it take you to get to where the room was?

[redacted] 20 seconds approximately.

McKelvy: M-hm. And at that time, are you still walking by yourself to where the closet- where that room was?

[redacted] No, at that point, that's when- I believe it was Deputy Zeas and someone else was with me as well.

McKelvy: M-hm.

[redacted] We're going towards that office.

McKelvy: So the last transmission that you heard as far as where the suspect was located was that he was in a closet, in the closet of a room inside the building.

[redacted] Yes.

McKelvy: Okay. Then what happened?

[redacted] So once we got in there, we.. my apartment [redacted] was, I guess there also and pretty much told us that, the door to that closet is never locked and it was locked, so she believed that she heard someone in

there. So, as we approached the door of that closet inside the room, and you could hear him inside there, at that point.

McKelvy: Okay. You say 'we'. Who else was there with you?

[redacted] The other deputies were on scene now.

McKelvy: Who was that?

[redacted] Deputy [redacted] Deputy [redacted] Deputy.. I believe Ruiz was there maybe.

McKelvy: You said Ruiz?

[redacted] Ruiz, I believe. Deputy Romero was there at that point too or showed up a little.. right after.

McKelvy: Was there more than one Romero there on scene?

[redacted] In the room?

McKelvy: At the location.

[redacted] Yes. There was a female and a male Romero.

McKelvy: So, the Romero that you just referred to is the female or male?

[redacted] The male.

McKelvy: Okay. Was there a sergeant or supervisor on scene?

[redacted] Yes.

McKelvy: Who was that?

[redacted] Sergeant Alvarez.

McKelvy: Anyone else? [redacted], Ruiz, Romero…

[redacted] And Deputy [redacted] I believe.

McKelvy: Okay. Alright, and you say you could hear the suspect inside the closet.

[redacted] Correct.

McKelvy: Describe for me this room that the closet was in.

[redacted] It's probably about the size of this room, right now.

McKelvy: Can you give me some measurements for those that are not here? Approximate.

[redacted] Probably 10 by 20.

McKelvy: Okay. And inside of this room that you just described, once you're entering through that front door, where is the closet in relationship to the door that enters the room?

[redacted] So, once I enter the room door, the front entrance, it would be to my right, to the rear right.

McKelvy: Okay. Directionally, where would that have placed the door? North, south, east or west?

[redacted] It would be on the southwest.

McKelvy: Southwest. So it's in the total opposite side of where you entered the room?

[redacted] Yes.

McKelvy: Okay. And then is there a wall there on either side of the closet door?

[redacted] Yeah. So, on the, I guess the north side, there'd be a wall.

McKelvy: Okay. And then, so opposite the north side, is that the end of that room? Does that end the building there?

[redacted] Yes. It would be like that wall to.. it would be the end of the building.

McKelvy: Is there a street out there or is it into another part of the complex?

[redacted] A street.

McKelvy: What Street is that?

[redacted] Whittier Boulevard.

McKelvy: Okay. So, you're hearing the suspect inside this closet making noise. What kind of noises are you hearing?

[redacted] I guess like rummaging through stuff, or trying, moving stuff inside.

McKelvy: Were you aware of what was inside, the contents that was inside the closet?

[redacted] The office [redacted] said it was like janitorial supplies.

McKelvy: Up until that point, had there been any updates as to.. We already know the description of the suspect. We know that it's the [redacted] of the informant, is that correct?

[redacted] Correct.

McKelvy: Was there any additional information that was, disseminated between the deputies that were on scene regarding the suspect? Whether there is a medical condition, a mental condition, any other additional information that would help you assess the situation?

[redacted] Not that I remember.

McKelvy: Okay. So, who went to the closet door to talk to the suspect?

[redacted] So, I went to the closet door. It was I in the front, Deputy [redacted] was also at the closet door trying to talk to him, and then Deputy [redacted] I believe, did also and Sergeant Alvarez.

McKelvy: So, when you attempted- when you were speaking with the suspect--

[redacted] No, I was at the doorjamb.

McKelvy: So, you were just standing at the door. You didn't have any communication with him.

[redacted] No.

McKelvy: So, you were standing at the door and who was the first person that you remember communicating with him?

[redacted] From what I can remember, is Deputy [redacted]

McKelvy: And what was [redacted] saying to the suspect?

[redacted] He was trying to have the suspect- telling the suspect to come out of the, closet.

McKelvy: What was the suspect's response?

[redacted] That he wasn't going to come out, that he did nothing wrong. That's what I can remember.

McKelvy: So, you could hear his voice.

[redacted] Yes.

McKelvy: What was his- how did his voice sound to you as far as his demeanor?

[redacted] He was yelling.

McKelvy: He was yelling, okay. So, you're saying that the suspect said that you didn't have any right- that you guys didn't have any right to be there?

[redacted] Correct.

McKelvy: Approximately how long did Deputy [redacted] attempt to persuade the suspect to come out of the closet?

[redacted] Maybe approximately, like, 30 minutes in total.

McKelvy: Deputy [redacted] talked to him total?

[redacted] Oh, just Deputy [redacted]

McKelvy: Yes, just Deputy [redacted]

[redacted] Maybe ten minutes approximately.

McKelvy: M-hm. Who else, tried to talk to him? You said, [redacted]

[redacted] I believe Deputy [redacted] and then Sergeant Alvarez as well, attempted to talk to him.

McKelvy: So, you mentioned 30 minutes. So, what does that 30 minutes encompass?

[redacted] Those three individuals talking to him, or attempting to talk to him.

McKelvy: Were you standing by the door the entire time the three persons tried to talk, to the suspect?

[redacted] Yes.

McKelvy: What else is the suspect saying other than you guys didn't have any right to be there and that he wasn't coming out?

[redacted] Like that he did nothing wrong. He started making statements that, like, he owned the building, things of that nature. And also, I believe he made a statement about his health, that he has [redacted] or something along those lines.

McKelvy: So at that point, based on what the suspect's response was to the three attempt of deputy and sergeant personnel trying to persuade him to come out, in your mind, what did you feel was the suspect's demeanor and his.. basically, his response to what was being attempted at that point?

[redacted] Well, he wasn't going to come out and that possibly he was [redacted] 'cause of the statements that he was making, how he owned the building.

McKelvy: M-hm. Did he make any verbal threats towards you or anyone else?

[redacted] I think he said something along the lines that there's a.. a broom or a stick or something that he has in there that he will use against us.

McKelvy: Did you think that he would make do, or, you know, make do at his word?

[redacted] Yes.

McKelvy: Okay. What were some of your concerns at that point leading up to just [redacted] and Sergeant Alvarez speaking to the suspect?

[redacted] That if- he was inside the room, we didn't know what was in there officially and that he could use anything in there as a weapon towards us.

McKelvy: Did you speak to the informant?

[redacted] I did not.

McKelvy: Did anyone speak to the informant?

[redacted] Someone did, yes.

McKelvy: The conversation that another person had with the informant, was the results of that conversation relayed to the deputy personnel on scene?

[redacted] I don't understand the question.

McKelvy: Someone else talked to the informant?

[redacted] Yes.

McKelvy: The information that the deputy that spoke to the informant got, did they come back and brief you guys on what was discussed?

[redacted] Yeah, I believe- Sergeant Alvarez I'm sure had to have done that. I don't recall exactly what was said or what he, relayed to us or what he told us.

McKelvy: So, with the suspect making the statements that he was saying- specifically you mentioned that he was saying that he owned the building. Was there any information relayed to you or the deputies on scene to confirm or not whether he had [redacted]?

[redacted] I don't remember that.

McKelvy: Okay. So, you don't know if he has [redacted] or [redacted].

[redacted] No, I don't recall that.

McKelvy: Okay. So, what happened after [redacted] and Sergeant Alvarez were unsuccessful in getting him to come out of the room?

[redacted] I believe that's when [redacted] attempted to talk to him, through the door, tried to convince him to come out as well.

McKelvy: Were you still standing at the door when she was speaking with him?

[redacted] Correct.

McKelvy: What did she say to him?

[redacted] Something along the lines that 'Come out. You're not in trouble. They just want to talk to you. You're okay. Everything's going to be okay.' Things along that nature.

McKelvy: What was his response to [redacted]

[redacted] That he wasn't going to come out, he did nothing wrong, we had no right to be where we were on the property.

McKelvy: M-hm. Did the suspect know that [redacted] had filed a stolen vehicle report against him?

[redacted] Yes.

McKelvy: Was that something that [redacted] spoke to the suspect about while he was in the closet?

[redacted] No.

McKelvy: Was [redacted] able to get the suspect to come out of the closet?

[redacted] No.

McKelvy: What happened next?

[redacted] So, she talked to him for approximately five minutes, unsuccessful. So, someone escorted her out of the way, out of the picture, and then I believe that's when MET arrived and they tried to talk to the suspect as well.

McKelvy: You're referring to whom?

[redacted] The Mental Evaluation Team.

McKelvy: And how many were involved in that team?

[redacted] I believe it was one deputy and then.. I don't if they're called.. a social worker…

McKelvy: Okay. And of those two, who spoke with the suspect?

[redacted] The deputy.

McKelvy: Were you still standing at the closet door when the male deputy from the MET team spoke to the suspect?

[redacted] Yes.

McKelvy: What did the deputy tell the suspect?

[redacted] So, he was pretty much saying that we're there to help him, that that's the first thing we want to do, make sure that he was okay. We needed to get everybody's stories. He wasn't in trouble at that point. We had to confirm his story 'cause he was saying 'I did nothing wrong.' So, he was kinda trying to tell him that 'Okay well we need you to come out, then we need to confirm your story and get everything straightened out.'

McKelvy: And what was the suspect's response to the deputy's …?

[redacted] He didn't- wouldn't come out. He didn't- essentially didn't believe the MET deputy and stayed in the closet so the MET deputy was unsuccessful in having him step out.

McKelvy: At any time while the MET deputy was speaking with the suspect, did it appear that the negotiations, or the talks, were going to be successful?

[redacted] No.

McKelvy: At any time did the door- the suspect open the door to speak with the MET deputy?

[redacted] No.

McKelvy: Not from your recollection?

[redacted] Correct.

McKelvy: Okay. How long did the MET deputy speak with the suspect?

[redacted] Maybe approximately 30 minutes or so.

McKelvy: What happened next?

[redacted] After that- So he was unsuccessful at having the suspect step out. So myself, Sergeant Alvarez, Deputy Ruiz, Deputy [redacted], Deputy [redacted] Deputy Romero and Deputy [redacted] formulated a tactical plan, how we were going to go about opening the door and having the suspect step out.

McKelvy: What was the plan?

[redacted] So, I was going to- the apartment [redacted]r gave us the keys to the closet so we had the keys to unlock it. I was going to be in charge of

unlocking the door and opening the door and just holding the door. TO [redacted] was going to be on less-lethal.

McKelvy: Which less-lethal?

[redacted] A 40 mm.

McKelvy: M-hm.

[redacted] Deputy [redacted] and Romero were going to be hands on, from what I can recall. Deputy [redacted] was going to be on less-lethal as well with a taser. And then Deputy Ruiz, I believe, was hot radio, or in charge of the radio.

McKelvy: Okay so those were your assignments. So what was the- how was the plan going to be put into action?

[redacted] So, I was going to open, I had the key, unlock the door, put it open, open it, hold it. They were going to give commands to the suspect to step out first. If he stepped out, then Deputy [redacted] and Deputy Romero would go hands on and place handcuffs on the suspect. If it didn't go that way and the suspect stayed in the room or became violent, Deputy [redacted] was going to deploy the 40 mm and then Deputy [redacted] and Deputy Romero would attempt to go hands on and handcuff the suspect.

McKelvy: While you and the team are coming up with this plan, where were you standing in discussion of the plan?

[redacted] So outside of the actual office, like right outside.

McKelvy: At any time prior to executing the plan, was there any conversation, about what the plan was inside the office near the closet door?

[redacted] Not that I recall, no.

McKelvy: Was there any time that the suspect was able to hear what you or any of your partners were saying, and responded out through the door to what you guys are saying?

[redacted] That I remember, no.

McKelvy: Prior to executing the plan, was there an attempt to open the door?

[redacted] Like prior to this, our forming our tactical plan?

McKelvy: Yes.

[redacted] No, not that I recall.

McKelvy: Okay. So, you guys have the plan. You're discussing the plan outside the office. You come back in the office. Can you tell me, other than the measurements of this office, what are the contents of the office, if anything?

[redacted] So, I remember that when you walk in the office, right to the right, it was, like, a- I think we call it a desk that was right there, or something was right there. And then after that, I believe that was it, that I can remember. There might've been like a file cabinet or something like that towards the rear, opposite of the closet, I think. That's what I can recall. Directly to the right, right next to the actual closet door, I don't think there was nothing on that wall.

McKelvy: Was there anything done prior to executing the plan to make the room.. safe for you guys to execute the plan in case, you know, there was a use of force?

[redacted] We would make sure the area, whatever area was directly in front of the closet, there was nothing, like, right there on the ground or anything of that nature.

McKelvy: So, based on the plan that you guys created, did you feel like there was enough personnel there to execute the plan?

[redacted] Yes.

McKelvy: Okay. And were you clear about what your assignment was?

[redacted] Yes.

McKelvy: Alright, so what happened then?

[redacted] So, Sergeant Alvarez made another attempt, maybe like two minutes approximately, trying to get the suspect to come out again but was unsuccessful. At which point he directed me to unlock the door and attempt to open it.

McKelvy: Okay. Now I'm going to stop you there. So, you said Sergeant made another attempt. What did he do?

[redacted] He told the suspect that he had to come out so we could talk to him. We had Fire Department staging to check on the [redacted] that he stated he had an [redacted] or something of that nature. Suspect was not complying, said no he wasn't coming out. So, I believe Sergeant Alvarez said 'Okay so you're telling me you're not going to come out? This is your final opportunity, but he did not comply with any of the commands.

McKelvy: How much time passed from when you first get to that office and the suspect is already in the closet until you get the word from Sergeant Alvarez to execute the tactical plan?

[redacted] Maybe a little over an hour.

McKelvy: Alright. Tell me what happened.

[redacted] So, at that point I unlocked the door. I attempted to pull it open, but he was, holding it from the inside. So I used my foot as leverage on the right of the door. I was able to open it; however, he overpowered me and closed it again. So then I reattempted to open it, at which point I was able to pull it hard enough where he- he lost control of the inside handle and then I held the door open. And then--

McKelvy: So when you got- you held the door open. Tell me which way the door opens.

[redacted] So it opened towards the street, so outward.

McKelvy: Outward, alright. You're standing in front of this, for you to pull it open, you're pulling it--

[redacted] To my left.

McKelvy: To your left?

[redacted] Yeah.

McKelvy: Okay. Once you open that door, what do you see?

[redacted] So once I open that door, I see a small closet and I see the suspect, like, tucked into the.. I guess the right rear of that closet.

McKelvy: What are the contents of the closet?

[redacted] It has a lot of janitorial supplies, cleaning chemicals, mops, mop broom, mop bucket. So just janitorial items.

McKelvy: Did you say earlier that the suspect mentioned something about this broom?

[redacted] Yes.

McKelvy: Okay, so once you opened the door, did the suspect have a broom in his hand?

[redacted] There was a broom near him, I guess to the right of him or next to him.

McKelvy: How close?

[redacted] Right next to him. Less than a foot.

McKelvy: When you opened the door and you observed the suspect where he was standing and the contents of that closet, was there any concern that you had immediately?

[redacted] Yes, that anything in there could've been used as a weapon towards us. It could've been thrown at us.

McKelvy: M-hm. When you open the door, did the suspect say or do anything upon that immediate opening of that door?

[redacted] I think he kept repeating, like, 'Don't touch me' or 'I'm not coming out.'

McKelvy: What happened next?

[redacted] Deputy [redacted] attempted to get him to come out.

McKelvy: How?

[redacted] By talking, verbal- giving commands to come out. He- I think, from what I can recall, Deputy [redacted] tried to.. grab his arm to have him step out, at which point I think the suspect, like, pulled away or- didn't allow himself to get held.

McKelvy: Alright. So, I see that you're using one of your hands and you're putting your hands in an outward motion when you're describing what Deputy [redacted] was doing. So, Deputy [redacted] used one hand? Two?

[redacted] Well no, I couldn't say reaching for, but I can't see one hand, two hands, 'cause I'm, like, in the back essentially holding the door still.

McKelvy: Okay. So you pull the door open, pull the door open to the left, okay? Where did you position your body at that point?

[redacted] So, alongside the wall where the door opened to.

McKelvy: And who's directly to your right?

[redacted] At that point, Deputy [redacted] was directly to my right before he moved past me towards the, the closet door.

McKelvy: And was there anyone in front- So you're basically against the wall.

[redacted] Correct.

McKelvy: Holding the door.

[redacted] Correct.

McKelvy: Then we have Deputy [redacted] to your right.

[redacted] Yes.

McKelvy: At that point right there, where is Deputy [redacted]?

[redacted] I guess he would be kind of to my left, closer to the closet door to my left.

McKelvy: Alright. Could you see where everyone to the right of Deputy [redacted] was? Who was next to [redacted]? To his right.

[redacted] I don't remember who was to his right.

McKelvy: Where was Sergeant Alvarez?

[redacted] The way I was positioned, you could say I guess in front of me.

McKelvy: Was he standing next to Deputy [redacted]?

[redacted] Near Deputy [redacted].

McKelvy: And then- You said [redacted] was responsible for the taser. Where was he standing?

[redacted] He was to, like, kind of towards the right of the actual closet entrance.

McKelvy: Okay. From your vantage point when you opened that door and you were standing next to that wall, what could you see?

[redacted] Like initially? Or--

McKelvy: When you first open the door and you position yourself against the wall, what could you see?

[redacted] So really quickly I see the closet door with the suspect to the back right corner. But after that, deputies got- walked towards the closet door and I just saw the backs essentially of deputies.

McKelvy: What could you hear?

[redacted] I could hear Deputy [redacted] giving commands. I could hear the suspect yelling, or saying that he's not going to come out. That's what I heard up to that point.

McKelvy: So from that point, how were you able to see.. Deputy [redacted] reaching in to try and apprehend the suspect?

[redacted] I could see his motion, his body motion, moving forward towards the suspect essentially, which I assumed that that's what he was doing, trying to get the suspect to come out.

McKelvy: Could you see where Deputy [redacted] hands were?

[redacted] No.

McKelvy: Could you see where the suspect's hands were?

[redacted] When Deputy [redacted] was reaching inside?

McKelvy: Yes.

[redacted] No.

McKelvy: Okay. What else could you see at that point?

[redacted] The deputies' backs at that point.

McKelvy: So, you hear Deputy [redacted] giving the suspect commands to come out.

[redacted] Correct.

McKelvy: What is the suspect's response to Deputy [redacted] order?

[redacted] 'Don't touch me. I'm not coming out.'

McKelvy: What else did you hear?

[redacted] That's all I can remember.

McKelvy: What else did you see?

[redacted] Deputy [redacted] tried to take him out and then he, pulled away.

McKelvy: Who pulled away?

[redacted] Deputy [redacted] or stepped away, I guess.

McKelvy: Okay. What happened next?

[redacted] And then that's when I believe Sergeant Alvarez ordered Deputy [redacted] to deploy the 40 mm.

McKelvy: M-hm. What happened?

[redacted] So, the 40 mm was deployed. I could see that it kinda struck the suspect in the upper- in his torso area.

McKelvy: Alright. So, Deputy [redacted] was responsible for the 40 mm. And he was standing next to you. So once Sergeant Alvarez ordered [redacted] to deploy the 40 mm, where did Deputy [redacted] go? Or did he stand where he was next to you to deploy it or did he move?

[redacted] So, he was standing to I guess my left and he deployed it. Once that happened, he stepped away.

McKelvy: Oh so again, did he deploy it from where he was standing or did he take a different position maybe- you said [redacted] moved out of the way.

[redacted] Uh-huh.

McKelvy: So, did [redacted] stay there and use the 40 from where he was standing or did he move closer towards the suspect or further away from the suspect?

[redacted] From where he was standing.

McKelvy: Okay. So how far was [redacted] away from where the suspect was?

[redacted] Maybe 10 feet or so.

McKelvy: 10 feet, okay. So he fired one round?

[redacted] Yes.

McKelvy: Where did that round land?

[redacted] It struck the suspect somewhere in the upper body, the torso.

McKelvy: Were you able to see that?

[redacted] I could see that it hit him somewhere in the upper torso, yes.

McKelvy: And what was the.. reaction from the suspect when he was hit with that one round?

[redacted] He still stayed tucked away in the closet.

McKelvy: Did his body move at all in response to being hit?

[redacted] Yeah, he had flinched essentially--

McKelvy: Okay.

[redacted] --to like, I assume he absorbed the impact.

McKelvy: Alrighty. What happened next?

[redacted] Deputy [redacted] again, tried to again convince him to come out, or gave him commands to come out. And he still didn't come out.

McKelvy: Was Deputy [redacted] the only person speaking with the suspect?

[redacted] I know Sergeant Alvarez was also giving commands to come out.

McKelvy: What was- Oh to come out, okay.

[redacted] Or to step out of the closet. And then that's what I could remember.

McKelvy: Alright, so when [redacted] engages the suspect the second time verbally to tell him to come out, you said the suspect wouldn't come out.

[redacted] Correct.

McKelvy: What else did [redacted] do at that point?

[redacted] At that point, I remember TO Romero was also near Deputy [redacted] area, stepped in and they both tried to have the, to grab onto suspect to have him come out.

McKelvy: Both meaning whom?

[redacted] Deputy Romero and Deputy [redacted]

McKelvy: Okay. And so Romero you said he was closer to Deputy [redacted]?

[redacted] Yes, like right next to him.

McKelvy: And Deputy [redacted]l, did he remain in that position where you originally describe, which is to the right of the opening of the closet?

[redacted] From what I can remember, yes.

McKelvy: And so Romero was standing in between [redacted] and [redacted]?

[redacted] Yes.

McKelvy: Okay. Did [redacted] and Romero engage the suspect at the same time?

[redacted] Yes.

McKelvy: Physically.

[redacted] Yes.

McKelvy: Okay. What did you see them do?

[redacted] Well, I just- I saw the back of them, but I saw them moving forward towards the suspect, and then motion that what I presumed was trying to get- grab the suspect to have him step out.

McKelvy: What did the suspect do?

[redacted] The suspect was saying 'No I'm not going to- I'm not coming out. Don't touch me.' And I believe that's the point where he.. he, like, I saw him started to kick and I saw I think Deputy Romero, like, push him back essentially. So, what I assumed was that Deputy Romero just got kicked.

McKelvy: You said you saw Deputy Romero push back?

[redacted] Yeah, like, go back, step back.

McKelvy: Alrighty. So, you saw the suspect kick at Deputy Romero.

[redacted] Yes.

McKelvy: Did you see the foot of the suspect make contact with Deputy Romero's body?

[redacted] No, that I don't see.

McKelvy: And how many times did you see the suspect's foot kick out?

[redacted] I believe it was once.

McKelvy: What happened after you saw that? The kick and Deputy Romero step back?

[redacted] So, after the kick I think that's when the 40 was deployed. Or Sergeant Alvarez tried to hit the 40, to redeploy it a second time.

McKelvy: One moment…

Smith: Can you describe how big that closet was?

[redacted] It was kinda small, maybe 5 x 5.

McKelvy: Okay, so from your recollection, there was initial engagement with [redacted] with the suspect, which was unsuccessful in getting the suspect out. Sergeant Alvarez ordered [redacted] to deploy one round from the 40. Romero and [redacted] engaged the suspect again, to his response was a kick towards Deputy Romero. And then Sergeant Alvarez ordered a second round of the 40.

[redacted] Yes.

McKelvy: Alright. Where did that round hit the suspect?

[redacted] That one hit the same thing, upper torso area.

McKelvy: And what was the response of the suspect to being- Did the round hit the suspect?

[redacted] I didn't actually see the round hit the suspect, but I could see that it was shot in the upper torso area of the suspect and the suspect, like, flinched, the same way as he did the first time.

McKelvy: How far away was Deputy [redacted] when he fired the second round?

[redacted] The same distance. It was done in the same position.

McKelvy: And then, just for the record - and I don't think I specified this prior to questioning - I do have a copy of your supplemental report and on your report that you said that you were wearing your body-worn camera and that you reviewed the footage prior to writing your report?

[redacted] Yes.

McKelvy: In addition to that, after being read the video admonishment today, you reviewed your body-worn camera footage, correct?

[redacted] Yes.

McKelvy: Alright. So just for clarification, on your report just the sequence of events, you stated that there was one round ordered by the sergeant and then a second round ordered by the susp- I mean by the sergeant.

[redacted] Yes.

McKelvy: Okay. And then, that's when, [redacted] and Romero approached the suspect. Okay? So that's just for clarification. Now do you remember seeing that on the video today?

[redacted] Yes.

McKelvy: Okay. Do you know how much time passed from when the first round was ordered by Sergeant Alvarez to when the second round was ordered by Sergeant Alvarez?

[redacted] Approximately like.. 15, 20 seconds.

McKelvy: 15 to 20 seconds? Okay. Alright, so we'll move forward, to the point where you see Deputy Romero step back in response to the suspect's foot kicking towards Romero, right? What happened after that?

[redacted] So, at that point, what I can recall is that's when I think Sergeant Alvarez directed a taser to be used.

McKelvy: And the taser was assigned to... [redacted]?

[redacted] [redacted]

McKelvy: Okay. Alright, so at that point, Deputy [redacted], from last you told me you saw him to the right side of the opening of the closet.

[redacted] Yes.

McKelvy: Okay. So, when he was directed to, use the taser, towards the suspect, did he stay at that same location? Deputy [redacted]?

[redacted] He kind of moved now towards the front of the, closet door.

McKelvy: Okay. And what happened?

[redacted] And then, he said 'Taser taser taser' and he deployed the taser.

McKelvy: So you're saying Deputy [redacted] said 'Taser taser taser'?

[redacted] Yes.

McKelvy: Okay.

[redacted] Actually no. I remember someone saying 'Taser taser taser'.

McKelvy: Okay. And you did, again, hear Sergeant Alvarez direct Deputy [redacted] to employ the taser.

[redacted] Yes.

McKelvy: Okay. And how, how was that taser employed? Like, was it, like, the regular way of, like, basically pulling a trigger and the prongs going outward or was it a drive stun?

[redacted] The prongs going outward.

McKelvy: Okay. Did you see if the prongs made contact with the suspect's body?

[redacted] No.

McKelvy: Could you tell if there was any reaction from the suspect in response to being tased?

[redacted] No.

McKelvy: Okay. What did the suspect say or do?

[redacted] I believe that's when the suspect said 'I'll come out, I'll come out' and he actually stepped out. And Deputy [redacted] and Deputy Romero got the suspect and were able to place him on the wall to the right of the closet, the closet door.

McKelvy: M-hm.

[redacted] And they were attempting to put his hands down behind his back to handcuff him, but that's when I remember the suspect, like, using his weight and pushing against the wall.

McKelvy: Let me make sure I'm clear. At the point where the taser was employed by [redacted], at that point the suspect came out of the closet on his own?

[redacted] He was stating that- Yes, he said 'Ill come out, I'll come out.' I remember to see him, like, walk towards the closet entrance and that's when Deputy [redacted] and Deputy Romero, I believe they were the ones, that grabbed him and placed him on the wall to the right of the door- or the opening.

McKelvy: Okay. And you're still against the left wall.

[redacted] Yes.

McKelvy: Okay. Prior to the suspect coming out of the closet- Okay, let me back up. When [redacted] employed the taser, did Deputy [redacted] and Romero engage the suspect again prior to the suspect saying that he's going to go ahead and come out on his own?

[redacted] I believe yes.

McKelvy: Where was- what did they do?

[redacted] I think they tried- Well I was in the back again so I couldn't really.. see the full view. That way they tried making an approach towards the suspect and that's when the suspect said, 'I'll come out, I'll come out' or 'I'll step out'. Something along those lines.

McKelvy: So, while the suspect was in the closet, you remember that the taser was employed once.

[redacted] Yes.

McKelvy: Okay. Did you hear the sound of the taser going off?

[redacted] Yeah, like the buzzing noise.

McKelvy: And how long was that sound, like, the cycle?

[redacted] I don't remember.

McKelvy: Was it like a normal cycle?

[redacted] Yeah, like a normal cycle.

McKelvy: Okay. Alright, so.. In your report you said that the suspect came out of the closet. You said that he rused the deputies. What did you mean by that?

[redacted] So, at first he was being, like, not compliant with anything whatsoever.

McKelvy: Noncompliant?

[redacted] Yeah.

McKelvy: Okay.

[redacted] And then all of a sudden now he's saying 'Yes I'm going to come out'. So he comes out, initially right walking out. Deputies grab him, place him against the wall on the right, but then he becomes noncompliant again, which is at which point he uses his weight, and like pushes off kind of the wall, to.. pushes off the wall, like, backwards.

McKelvy: When the suspect comes out of the closet and Deputies [redacted] and Romero walk him over to that wall to the right of the closet, did either of those deputies have control of the suspect's arms?

[redacted] I don't remember. I couldn't- I don't think I could see that.

McKelvy: Did the suspect use his arms to push himself away from the wall?

[redacted] I didn't see that. I couldn't see that.

McKelvy: So, from where you were standing, you're describing for me that the suspect pushed himself against the wall.

[redacted] Yes.

McKelvy: Away from the wall.

[redacted] Away from the wall.

McKelvy: Okay. But you don't know how he did that.

[redacted] No.

McKelvy: How do you know that he pushed himself away from the wall?

[redacted] 'Cause you could see his- I saw his body, like, push backwards off the wall.

McKelvy: How do you know it wasn't the deputies pulling him away from the wall?

[redacted] Because the deputies are the ones that placed him on the wall so it wouldn't make sense for them to pull him off the wall.

McKelvy: Okay. Alright, so when the suspect pushed himself away from the wall, what happened?

[redacted] He, like, they fell backwards, or on his knees towards now the entrance of the actual office.

McKelvy: Okay, let me stop you real quick 'cause I wanna see what I'm looking at here. So, we have the suspect against the wall and we have [redacted] on what side of the suspect?

[redacted] I don't remember which side.

McKelvy: Was he behind the suspect?

[redacted] I don't remember exactly where he was positioned.

McKelvy: Was the suspect facing the wall or his back was to the wall?

[redacted] From what I can remember, he was facing the wall.

McKelvy: So, when [redacted] and Romero walked over to the wall, was there one deputy on either side of the suspect?

[redacted] I don't remember exactly how everyone was positioned around the suspect.

McKelvy: And where was [redacted]?

[redacted] I don't remember where [redacted] was.

McKelvy: What about Sergeant Alvarez?

[redacted] Sergeant Alvarez was towards, like, I guess the back. Somewhat in front of me 'cause I was still on the door, so kind of in front of me but in back of the suspect.

McKelvy: Okay. Did I ask you where [redacted] was?

[redacted] When the suspect finally came out?

McKelvy: Yes.

[redacted] No.

McKelvy: Where was he?

[redacted] I believe to my left.

McKelvy: To your left. Was he against the wall?

[redacted] Like my wall?

McKelvy: Yes.

[redacted] Yeah, I bel- yes.

McKelvy: Okay. So when the suspect is dropping his weight and he ends up on the floor on his knees.. I'm trying to see how that happened. If he's facing the wall--

[redacted] So, he's facing the wall.

McKelvy: Go ahead.

[redacted] So he's facing the wall. I remember him, like, pushing off the wall. Somehow he turns, ends up like, I guess a 90-degree turn, on his knees and now.. say the room is exactly like this. The door is right now here to my right. He lands on his knees. He's holding onto the door handle with his right hand, facing north, you could say.

McKelvy: Okay. So, this door that you're saying he's holding onto, is that the door that you're standing at?

[redacted] No. It's the actual office door.

McKelvy: Okay. Alright, so somehow he dropped his weight to the floor. He ends up on his knees turned toward the door that exits into- I mean, exits out of the office.

[redacted] Yes.

McKelvy: Okay. So, when he drops his weight, what are the deputies that are near him doing?

[redacted] Trying to get control of his hand, this one, yeah his left hand and his right hand.

McKelvy: So, he's on his knees, he's on the floor and one hand is on the door, you say?

[redacted] Yeah, I could see one hand that's on- grabbing- his right hand, grabbing onto the door handle.

McKelvy: Okay. So, he's on his knees, facing the door that leads out of the office, and his right hand is on the door handle.

[redacted] Correct.

McKelvy: And then- What happens after that?

[redacted] So that's when I go and reach for his right hand, to try to control it off the door handle, after which point I'm able to- using both my hands, I'm able to get him off the door handle, but at that point, I fall forward 'cause along with the suspect as well, and now I'm on the ground laying to the right of him, holding onto his right arm.

McKelvy: Okay. Just referring to your report again, at some point you're saying that, that the suspect dropped his bodyweight against the wall causing deputy personnel to lose control of him; and further on you said that he landed on his knees; and then you said Deputy Romero, [redacted] and you conduct a team takedown. Is that what happened?

[redacted] Yes.

McKelvy: Okay. How did the takedown occur?

[redacted] So that's when I grabbed the right hand to control it. And then Deputy [redacted] and Deputy [redacted] tried to get the suspect on the ground to put the hands behind his back, which is which point where he went forward and I fell with the suspect and that's how I landed to the right, of the suspect on the ground.

McKelvy: Okay. Just so I'm clear, your training as far as force and defensive tactics, what does a team takedown, how does that usually occur? Does it usually occur from a standing position to taking a person down to the floor? Or what's your understanding of what a team takedown would look like?

[redacted] What's my understanding of multiple deputies take down a suspect to the ground, or help a suspect to the ground in order to gain control of his hands or place him in handcuffs?

McKelvy: Now does a team takedown usually occur from a standing position?

[redacted] Usually yes, 'cause the suspect's standing up.

McKelvy: So, at this point were you considering this scenario, or the suspect you said had fallen, he was on his knees. And so you're describing what you and your partners did to get his upper body to the floor?

[redacted] Yes.

McKelvy: Okay, and you're describing that as a team takedown.

[redacted] Yes.

McKelvy: Okay. Normally would that be described as a team takedown? Have you ever described from a person from their knees going to the floor laying flat on the floor as a team takedown? If you have you have; if you haven't you haven't. Just--

[redacted] I've never been involved in something like that.

McKelvy: Where the suspect is already on their knees?

[redacted] Yeah. I don't remember taking 'em down.

McKelvy: Okay. So that's just the way that you describe how you got 'im- you and your partners got 'im to lay flat on the floor.

[redacted] Yes.

McKelvy: Okay. So, you get him on the floor, flat on the floor. Basically is he, laying on his stomach at that point with his chest to the floor?

[redacted] Yes.

McKelvy: You're on his right side. You get his hand off of that doorknob.

[redacted] Yes.

McKelvy: At that point, is the suspect being resistive?

[redacted] Yes.

McKelvy: In what manner?

[redacted] So I could feel his- so first his right hand, he's still trying to, I guess, move his hand away from me, so I'm holding onto his arm making sure he doesn't- I don't lose control of it. And then I could feel his body, like upper body, kind of like, coming up off the ground so what made me think that he was trying to, like, stand up again or get off the ground.

McKelvy: So, you're on the right side of the suspect. Is there anyone else on the right side of the suspect with you?

[redacted] Not really, just me.

McKelvy: Is the suspect saying anything at this point?

[redacted] I don't recall if he was saying anything.

McKelvy: Are you or any of the other involved deputies there saying anything to the suspect, giving him commands of what you want him to do?

[redacted] Yeah. ‘Put your hands beh-‘ People are saying ‘Put your hands behind your back’, ‘Stop resisting’, ‘Stop fighting’. That’s what I could recall.

McKelvy: You had the suspect’s right arm. Where were you placing your hands on his arm?

[redacted] Like his wrists.

McKelvy: Could you feel him trying to pull away from you or was his arm still?

[redacted] Trying to pull away from me.

McKelvy: What was happening to other parts of the suspect’s body?

[redacted] I couldn’t see because of the way I was positioned, and not my main focus was just making sure that right arm does not become loose. So, I couldn’t really see what was happening on top or the, I guess, left side of him either.

McKelvy: Okay. You mentioned on top. What do you mean what was happening on top?

[redacted] Or behind him, I guess. He was laying down face forward at, like, his feet area here so I couldn’t- I don’t know what was going on there.

McKelvy: Was there any efforts made by any of the other deputies to control the left side? Was there anyone over there?

[redacted] I don’t remember that.

McKelvy: Okay. You’re on the right side of the suspect’s body. In your report, you said that Romero, [redacted] and [redacted] were involved in the team takedown. So once the suspect is placed on his stomach, did the other deputies disengage with the suspect?

[redacted] No, they stayed- Well actually I can’t say that ‘cause when I went down I couldn’t see anything else. So, I don’t know if he did disengage, if the--

McKelvy: Did you feel like you were holding the suspect by yourself?

[redacted] No, I didn’t.

McKelvy: So, someone else was there helping.

[redacted] Someone, yes.

McKelvy: Okay. Let me see… When you guys are able to get the suspect flat on the floor, at that point, how was his body positioned?

[redacted] So, stomach down, essentially, stomach down, like, right outside the office entrance, or office door.

McKelvy: So, was his entire body outside of the office at that point?

[redacted] I don't remember if it was the entire body.

McKelvy: Okay. But some of his body was out.

[redacted] Yes.

McKelvy: Was some of his body still inside, like his feet?

[redacted] I don't remember--

McKelvy: Were your feet on the outside?

[redacted] I don't remember.

McKelvy: Okay. Well we did watch the video, right? At that point in the video, were you able to see anything at that point?

[redacted] No.

McKelvy: Because of what?

[redacted] Because my camera falls off and then you just see black essentially.

McKelvy: And then was the audio still going?

[redacted] The audio was still going.

McKelvy: Okay. So, what happens next?

[redacted] So they're giving commands 'Turn on your back', 'Stop fighting', 'Stop resisting'. And then at which point I hear Deputy [redacted] yell 'He has my taser' or 'He's grabbing my taser.' That's what I hear Deputy [redacted] yell.

McKelvy: Okay. At that point that you're hearing this from Deputy [redacted] was the taser employed while you were on the floor?

[redacted] So, I heard the taser go off. I don't know if the suspect grabbed it, employed it or Deputy [redacted] the one that employed it, but I did hear it go off.

McKelvy: Okay. For how long?

[redacted] A couple of seconds. I don't even think it was the full- the full burst.

McKelvy: M-hm. So, when you're hearing that, did you do anything different than what you were doing? You were on his right side, on the suspect's right side.

[redacted] No, I just held onto his right arm.

McKelvy: M-hm. What happened next?

[redacted] Then again working on putting his hand behind his back. If I remember correctly, someone said that they have his left hand and placed a handcuff on it. And then I just remember TO- or Deputy [redacted] telling me that 'Don't let go of his arm, [redacted] don't let go of his arm, [redacted] At which point I can feel someone grabbed the arm and then they were able to put a handcuffs on his arms. And then that's when, I was able to kinda like step away and I heard Sergeant Alvarez to put him on his side and check for any weapons.

McKelvy: Okay, so.. Leading up to where someone took the suspect's right arm from you and placed it in handcuffs, from the time you guys were on the floor until you know the suspect's hands was in handcuffs, was he being resistive the entire time?

[redacted] Like.. while they were placed in handcuffs or?

McKelvy: Right. Up until the time that you let go of the suspect's hand or wrist because someone put it in handcuffs. When was the suspect no longer being resistive?

[redacted] Until the handcuffs were actually placed on him.

McKelvy: So, he was resistive when the suspect's arms were in handcuffs, that's when he ceased resisting?

[redacted] Yeah, well yeah, 'cause he was finally placed in handcuffs.

McKelvy: Okay, and then again, I remember you described.. you felt the suspect attempting to pull his right arm away from your control hold and you also described him, attempting to lift his chest off the floor, right?

[redacted] Yes.

McKelvy: Other than that, how else was he being resistive?

[redacted] I felt like his body [unintelligible 1:03:52] I felt his body, like, I guess, I don't know, swaying or kind of aggressively trying to- I'm assuming that's when he was trying to break loose of my grip on his right arm. And then whoever else had control of him as well.

McKelvy: Okay. Did you see Deputy [redacted] on top of the suspect while he was on the floor?

[redacted] No.

McKelvy: Okay. Did you see- did you see Deputy Romero's actions while suspect was on the floor?

[redacted] No.

McKelvy: When you disengaged, from the suspect after both hands were placed in handcuffs, did you see if the suspect had any injuries?

[redacted] Yes, I saw some blood on his face and bruising, I guess swelling, in his face.

McKelvy: Where was the bruising?

[redacted] I just remember- I saw it, like the whole face. I don't remember exactly where.

McKelvy: You say you saw blood?

[redacted] Yes.

McKelvy: Where was the blood?

[redacted] Same thing, on, like, his face.

McKelvy: Why didn't you write that in your report?

[redacted] That I saw the.. I don't remember. I didn't mention that at all?

McKelvy: No.

Smith: That you saw the blood, you mean? That's the part that you're asking him about?

McKelvy: Yes, that he saw injuries on the suspect. You mentioned that Fire was there and that they medically treated him, but you didn't indicate that you observed injuries. I was just wondering why you didn't include that.

[redacted] I must've just forgotten to include that.

McKelvy: Okay. Now.. I'll go back really really quick. Do you remember, other than the suspect when he was inside the closet, you said that he mentioned about a broomstick and that he was going to use it. Alright, did he say that he had possession of anything else in his hands, or that he had anything else with him in the closet?

[redacted] I don't remember.

McKelvy: Okay. Did the suspect tell you- or call outside of the door, through the door, that he had a cellphone?

[redacted] Yes. He did.

McKelvy: He did, okay. When you opened the door, did the suspect in fact have a cellphone?

[redacted] He did have a cellphone.

McKelvy: Okay. What happened to the cellphone?

[redacted] I don't remember what happened to it.

McKelvy: Okay. When you were on the floor with the suspect, on the right side, did you see the cellphone in his hands?

[redacted] No.

McKelvy: Okay. Alright. That is all that I have, I think. Everything that I wanted to ask you in relationship to what you wrote on your report was cleared up. Is there anything that I didn't mention, that you noticed from your report or the video that we didn't discuss?

[redacted] That we didn't discuss?

McKelvy: M-hm.

[redacted] That we didn't discuss…

Gelfond: I don't think we talked too much about the broom. Am I right about that?

[redacted] Oh yeah that's correct.

Gelfond: So…

McKelvy: So, you said that prior to opening the door, the suspect did say that he had a broom.

[redacted] Yes.

McKelvy: Did he say if he was going to do anything with the broom?

[redacted] He said that he would use it against us. Which I took it as he's going to use the broom to hit us with it.

McKelvy: Okay.

[redacted] And then when the door, I guess- well, when I opened the door, a mop or broomstick, something, was on the ground and I'm the one that grabbed it and, I guess, put it out of the way, to take that out of play. And then he did have another, again, I'm assuming it was a broom or mop stick, in between his legs area, or on him actually.

McKelvy: Can you describe that broom? Like, either the shape of it? The color?

[redacted] It was a stick, like, a green stick.

McKelvy: A green stick? Okay. What happened with that stick?

[redacted] Someone, after that was able to [unintelligible 1:08:10] him and I remember seeing it, and, like, pushed it out to the right, but I don't know after that where it went.

McKelvy: So, at that point, when you opened the door, there's two potential weapons that was in close proximity to the suspect.

[redacted] Yes.

McKelvy: Okay, and what did that- what did that put in your mind at that point? Like, how did you feel when you saw that?

[redacted] So that kinda heightened my awareness 'cause I felt that he would use those against me or my partners as a weapon. I was able- He would be able to strike us with it 'cause they were so close within his reach.

McKelvy: Okay. And you're seeing these two sticks, broomstick, mop stick, or whatever, as you're standing, standing holding the door open. So, there's other deputies that were even closer than you were to the suspect and to those sticks.

[redacted] Yes.

McKelvy: Okay.

Smith: Did the suspect ever try to grab the broom or mop?

[redacted] From when we opened the door?

Smith: Yes.

[redacted] I don't think- He was reaching for something; I just don't know what he was reaching for.

McKelvy: And just during the totality of that incident, or even immediately after, were you made aware- you personally, were you made aware if the suspect, in fact, did have [redacted]?

[redacted] No.

McKelvy: Okay. After the incident, the suspect- In your report you said that LA County Fire transported him to, LA County USC Medical Center. Was there a debriefing done about the incident?

[redacted] Yes.

McKelvy: Where did that occur?

[redacted] So, outside the, I guess the office, like in the entrance of the, actual apartment complex, which is kind of next door to where everything kind of happened.

McKelvy: Alright. So, was it inside that building?

[redacted] Yes.

McKelvy: Okay. So, it wasn't outside on the sidewalk or anything.

[redacted] From what I can remember, no, not that I can recall.

McKelvy: Okay. What was discussed in the debrief?

[redacted] Just pretty much our tactics, what we could've done differently, if we gave the suspect plenty of time to comply and come out of the closet, and that was it.

McKelvy: Were you injured during this incident?

[redacted] No.

McKelvy: Were any of your partners injured during this incident?

[redacted] That I can recall, no.

McKelvy: Okay. And then again, you reported your use of force.

[redacted] Yes.

McKelvy: And what you witnessed.

[redacted] Yes.

McKelvy: Who did you report that to?

[redacted] Sergeant Alvarez.

McKelvy: Well, that's all I have, unless you guys have anything else?

Gelfond: I don't think so.

McKelvy: Alright. We'll go ahead and go off record at 1239 hours.

I.A.B. #: FO2570670

WITNESS INTERVIEW

DEPUTY JAIME ROMERO

McKelvy: We're on the record. Today is July the 13th, 2023. The time is 1106 hours. My name is Sergeant Ermina McKelvy and with me is Sergeant Adrian Guillen. For voice recognition…

Guillen: Adrian Guillen, G-U-I-L-L-E-N.

McKelvy: Thank you. We're both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau, which is under the command of Captain Ron Kopperud. We are at the Internal Affair Bureau's Office in the City of Commerce in Interview Room A. This as…is an involved employee interview regarding a force investigation under case number FO2560670. This incident occurred on January 17th, 2023. Being interviewed today is Deputy Jaime Rod…Romero. Please state and spell your first and last name along, along with your employee number.

Romero: First name Jaime, J-A-I-M-E. Last name Romero, R-O-M-E-R-O, [redacted]

McKelvy: Thank you. And representing Deputy Romero today is attorney Russell Perry. Sir, can you please state and spell your first and last name?

Perry: Yes. First is Russell, last of Perry. P as in Peter, -E-R-R-Y.

McKelvy: Thank you. All right. So, Deputy Rome…Romero, prior to going on record, I provided you with an Administrative Rights Force Shooting Investigation form. Were you able to read the form?

Romero: Yes, ma'am.

McKelvy: Do you understand the form?

Romero: Yes, ma'am.

McKelvy: Any questions?

Romero: No, ma'am.

McKelvy: All right. I do see that you checked "Yes" on both boxes indicating that you do have the Policy and Ethics chapter of the Manual Policy and Procedures and you are familiar with its contents. Is that correct?

Romero: Correct.

McKelvy: Did you sign and date the form?

Romero: I did.

McKelvy: Also, prior to going on record, I read you the video admonishment and I allowed you and your attorney the opportunity to review your body-worn camera footage. Do you have any questions in regards to what you viewed?

Romero: No, ma'am.

McKelvy: And also, I just want to clarify, did you review your body-worn camera footage prior to writing your supplemental report?

Romero: Yes, ma'am.

McKelvy: Thank you. All right. So, Deputy Romero, how long have you been with the LA County Sheriff's Department?

Romero: [redacted] ma'am.

McKelvy: [redacted]? Can you give me a history of that…of your [redacted] starting with your academy class number?

Romero: I was [redacted] class number [redacted] Arrived at [redacted]. From 2016 to present, I've been assigned at East LA Sheriff Station.

McKelvy: Did you have any custody assigned as a deputy sheriff?

Romero: [redacted]

McKelvy: [redacted]?

Romero: [redacted]

McKelvy: All right. So, how long were you at [redacted]?

Romero: [redacted].

McKelvy: And that was from [redacted]?

Romero: Correct.

McKelvy: All right. So, on January 17th, 2023, were you assigned to East LA Station?

Romero: Yes, ma'am.

McKelvy: And were you working and on-duty that day?

Romero: I was.

McKelvy: What unit were you assigned?

Romero: Unit 28. That's a City of Maywood unit.

McKelvy: Did you have a partner?

Romero: No, ma'am.

McKelvy: What were your hours?

Romero: [redacted].

McKelvy: Were you wearing a uniform identifiable as a deputy sheriff?

Romero: I was.

McKelvy: So, this investigation regards an incident that happened at [redacted] Whittier Boulevard. Did you respond to that address?

Romero: I did.

McKelvy: What took you to the address?

Romero: It was a activated duplex patch by the handling unit regarding a stolen vehicle sus…suspect, which was observed by the victim and inside the apartment complex.

McKelvy: Who was the handling unit?

Romero: I believe it was Deputy [redacted] I'm not sure what unit he was.

McKelvy: Uh-huh (AFFIRMATIVE). So, you responded based on that call. Did you add yourself to the call?

Romero: I did.

McKelvy: And was it a priority call?

Romero: It was a priority and then it ended up being an assistance request.

McKelvy: Where did you respond from?

Romero: From the City of Maywood.

McKelvy: And how long did it ta…get you to…take you to get there?

Romero: Less than 10 minutes.

McKelvy: When you arrived on scene, what did you see?

Romero: Initially, I was directed to be a containment unit. However, the handling unit advised me the suspect was inside an office and he condensed his containment to the office only.

McKelvy: While you were en route to that location, was the call coordinated?

Romero: It was.

McKelvy: And at that time, that's when you were given the responsibility of a containment spot?

Romero: Correct.

McKelvy: Where were you supposed to go initially?

Romero: I was to position myself to the west side of the apartment complex.

McKelvy: Uh-huh (AFFIRMATIVE). So, when you got there, did you meet up with Deputy [redacted] or did he give you additional instructions prior to you arriving?

Romero: I met up with him in the lobby of the apartment complex.

McKelvy: What did you do next?

Romero: I kind of gathered more information of what was going on and he briefed me along with other units that responded and formulated a tactical plan.

McKelvy: So, what…leading up to you arriving at…on that Whittier address, what did you know about the suspect?

Romero: That he was a named suspect for a stolen vehicle, which was reported I believe not the day before, a couple of days prior. And he was recognized by the victim herself.

McKelvy: Did you know if there were any relationship between the victim and the suspect?

Romero: I did not.

McKelvy: And in the call did they tell you what the suspect looked like? What he was wearing? His race? Anything?

Romero: I remember the description of male Black. I don't remember any further description.

McKelvy: So, what, what was the plan of action? You said that you met Deputy [redacted] and other deputies. Who else was there?

Romero: Assisting units Deputy [redacted]. I'm not sure of the unit numbers.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Deputy [redacted], Deputy Ruiz, Deputy Peralta, and Detective Zeas. And Sergeant…I'm sorry. And Sergeant…I forget his name.

Guillen: Alvarez?

Romero: Alvarez. George Alvarez, correct.

McKelvy: And you said Zeas, is that Z-E-A-S?

Romero: Correct.

McKelvy: All right. So, from your understanding once you arrived on scene, where was the suspect?

Romero: Inside of a broom closet. Inside of a lobby office.

McKelvy: All right. Once you arrived on scene and you were told where the suspect was, are there any updates to the description or who the suspect was that were given to you?

Romero: I overheard that the victim reported her [redacted] which was the suspect. That's the relation. And that he was wearing a…some sort of bathrobe.

McKelvy: Anything else?

Romero: No, ma'am.

McKelvy: Give me one moment. So, at this point, you know…you were told that the suspect is in the broom closet in this office. Was the sergeant…you said the sergeant was on scene at the time as well?

Romero: Correct.

McKelvy: Is it normal for the, the sergeant to respond to a stolen vehicle call?

Romero: It was an assistance request, so it…they usually respond.

McKelvy: Do you know why there…the call was being labeled as an assistance call?

Romero: Due to the handling unit having obs on a felony suspect.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And saw him running around through the interior of the apartment complex. So that's why he activated the duplex patch.

McKelvy: So, the suspect is in the broom closet and you're saying that the tactical plan was, was devised.

Romero: Correct.

McKelvy: What was the plan and who was involved?

Romero: I was, myself, directed to be the central of the arresting team along with Deputy [redacted] Deputy [redacted] was assigned less lethal. And Deputy [redacted] was assigned taser.

McKelvy: So, we have you and [redacted] And, and what was the plan?

Romero: We…I'm not sure who contacted the Henry [redacted] Unit, the MET Unit.

McKelvy: Henry [redacted] is a MET Unit. What does MET stand for?

Romero: Mental Health Evaluation Team.

McKelvy: Uh-huh (AFFIRMATIVE). What happened with that?

Romero: And the deputy responded with a clinician.

McKelvy: How long did it take for them to get there?

Romero: It was pretty quick. I want to say under 30 minutes.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: They were on scene. They spoke with the suspect inside the broom closet through the do…through the outside of the door for approximately 30 minutes trying to convince him to, to step out.

McKelvy: Where were you when, when MET was speaking with the suspect?

Romero: Directly outside standing by with them.

McKelvy: Outside where?

Romero: Outside the broom closet, inside the office.

McKelvy: Inside the office, outside the broom closet?

Romero: Correct.

McKelvy: Could you hear what the suspect was saying?

Romero: Kind of.

McKelvy: What, what was he saying?

Romero: He was…the, the deputy was trying to have him step out. And the suspect was speaking very rapidly. But I did hear him say that he had some sort of [redacted].

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And that he didn't want to step out.

McKelvy: Did you speak with…do you know whose office that was?

Romero: I do not.

McKelvy: Did, did you speak to anyone that would been…would've been able to tell you what was inside the closet?

Romero: No. When I arrived, the office was already vacant from any civilian personnel.

McKelvy: And again, was there any other updates given to you from the handling unit or anyone else on scene in re…regarding the suspect himself, what he looked like, what he was wearing, his demeanor, anything?

Romero: Just that he was wearing some sort of robe and that he was refusing to step out.

McKelvy: Why was MET team called?

Romero: To an attempt to de-escalate the suspect. Maybe offer him other forms of assistance for him to step out. I know at one point the MET team did mention that the [redacted] of the suspect also tried speaking to him in efforts to him to come out.

McKelvy: Were you there when that occurred?

Romero: I was not.

McKelvy: So, at the time that MET team got there, were you aware if the suspect had any [redacted]?

Romero: I was not, no.

McKelvy: So, you said MET tried to speak with…spoke with the suspect for approximately 30 minutes?

Romero: Correct.

McKelvy: Were they able to, to convince him to come out of the closet?

Romero: No.

McKelvy: And did you have any concern at that point about the suspect or the situation that you and your team are faced with at that time?

Romero: I do know that the suspect was mentioning that he was grabbing some sort of, like, broom stick from inside.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And there was other…several items inside the broom closet.

McKelvy: How do you know?

Romero: Just while he was speaking you could hear a lot of shuffling and kind of, like, items being thrown around inside.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So that was our, our biggest concern.

McKelvy: All right. So, what was the plan? Other than you described, like, what the deputies were responsible for, what was the plan to get the suspect out?

Romero: The plan was to detain him safely and without incident.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Utilizing our efforts from responding units to our field sergeant speaking to him up to the point where the MET team spoke to him also in efforts to have him come out peacefully.

McKelvy: And when he didn't what was going to be your response?

Romero: Since the door wasn't locked…

McKelvy: You said it was…

Romero: Unlocked.

McKelvy: …unlocked, okay.

Romero: Correct. Deputy [redacted] was holding the door from outside.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And every time he would attempt to open it, the suspect would kind of pull it shut again.

McKelvy: Who, who decided to have Deputy [redacted] attempt to open the door?

Romero: It was directed by the field sergeant.

McKelvy: Was that before or after you devised a tactical plan?

Romero: That was after.

McKelvy: So, tell me what the actual plan was.

Romero: The plan was for Deputy [redacted] to open the door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: I was directed to go hands-on, so essentially be arrest team, along with Deputy [redacted]

McKelvy: All right. So, are you saying once Deputy [redacted] opened the door, you and [redacted] were going to pull the suspect out?

Romero: And detain him. Correct.

McKelvy: So, and, and additionally, what was the plan after that? Once you pulled him out, what were you…what were you guys supposed to do?

Romero: Put his hands behind his back and handcuff him and provide him medical assistance…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …due to his statements. And possibly place him under a 5150 hold.

McKelvy: Why 5150?

Romero: When MET was talking to him, they just…he was displaying signs that he was a…that he needed some sort of [redacted] assistance. So that was our initial plan to assess him for that.

McKelvy: Uh-huh (AFFIRMATIVE). After MET spoke with the suspect, was there a meeting between the deputies that were there along with the sergeant?

Romero: Correct.

McKelvy: And that's where they gave the assessment that he had…he was displaying some sort of [redacted] signs?

Romero: Initially, it was for the [redacted] that he was claiming and for the [redacted]

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, I know that our field sergeant wanted to, before anything else, give him a…have him assessed by Fire personnel.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And then go from there.

McKelvy: I'm not sure if I'm clear.

Romero: So, we were going to detain him.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Provide him first aid, and then the handling unit and the MET team were going to do a further assessment on him if they…if he needed any sort of [redacted] assistance.

McKelvy: All right. So, you guys had…came with a tactical plan, the sergeant was there. Was he the one that was designating who was going to do what?

Romero: Correct.

McKelvy: All right. So how did you guys set up to, to, to do the plan that you created?

Romero: I positioned myself behind Deputy [redacted] who was holding onto the door handle.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: To assist him in pulling it…pulling the door open.

McKelvy: Give me a, a visual of what this room looked like.

Romero: So, if the room we're at now is an office, the door would be directly behind me to the corner. So, essentially, like this door but on this wall.

McKelvy: So, the size of the room is, is it equal to the room that we're in now?

Romero: Pretty similar to it. It was a small room.

McKelvy: So, what would you get? Like about what, 10 to 12…10 and 12?

Guillen: Yeah.

McKelvy: 10 and 12. 10 by 12. And then you're saying...

Guillen: Did the door open out or forward? Or…

Romero: The door handle was on the right, and it would swing out towards us.

Guillen: Swing out, okay.

McKelvy: Say that again.

Romero: The door handle was on the right, and it would swing out towards us.

McKelvy: And then once the door would swing open to the left, is that what you're describing?

Romero: Correct.

McKelvy: What's at…where would that door hit? Like, is it a wall? A window? Or is it more space for it to open fully?

Romero: From what I remember, it would open towards a wall.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And I believe there was a window there too. But it wouldn't completely swing fully open.

McKelvy: All the way open, okay. All right. So, [redacted] was assigned the responsibility of opening the door?

Romero: Correct.

McKelvy: And you were standing behind him?

Romero: Correct.

McKelvy: And who was to your…I'm assuming going to the right?

Romero: To the right I remember seeing Deputy [redacted] Deputy [redacted], and [redacted]

McKelvy: [redacted] and [redacted]. So, what happened when Deputy [redacted] opened the door?

Romero: I assisted him in pulling the door open. And I remember Deputy [redacted] kind of stopped everyone and started giving verbal commands to, to the suspect to step out.

McKelvy: What do you mean by he stopped everyone?

Romero: I think in effort not to, like, escalate tensions…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …he's the one that focused more on, on the suspect and told everybody, "Hold on. Hold on. Hold on." And he started making communication with him to directly.

McKelvy: When that door opened, could you see the suspect?

Romero: Yes.

McKelvy: Where was he in the closet?

Romero: He was along the back wall of the closet, and he appeared as he was kind of like in a squatted position.

McKelvy: What did he look like?

Romero: He was a male Black, and he was wearing a…I believe, like, a dark colored robe.

McKelvy: And nothing else?

Romero: Nothing that stands out from him.

McKelvy: So, it was just the robe and he was naked underneath?

Romero: I'm not sure if he was wearing sweatpants. I, I don't remember. Or shorts (talking over).

McKelvy: But he did have other clothes underneath the robe?

Romero: Yes, he did.

McKelvy: And what about his phys…oh, go ahead.

Guillen: Oh, go ahead.

McKelvy: What about his physique? Was he thin?

Romero: He was heavy set.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And pretty big in stature.

McKelvy: About, like, how tall?

Romero: About my height. So, 5'10" to 5'11".

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Approximately…definitely over 200, 200 pounds.

McKelvy: Shaved head?

Romero: No, he had a medium-length, curly, natural hair.

McKelvy: Did he appear to be, you know, like well put together or disheveled? Or somewhere in between?

Romero: Somewhere in between.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: He was a little disheveled.

McKelvy: What was in the closet other than the suspect?

Romero: I remember seeing a…like a bookshelf.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: A black bookshelf, several brooms and sticks, and just random plastic bags and items.

McKelvy: Based on what you saw, the efforts of getting the suspect out of the closet, his interaction with the MET team, and whoever else tried to talk to him through the door, now you…now you have a visual of what is actually inside that closet. What were some of your concerns?

Romero: That he possibly had a broken broomstick somewhere near his immediate person. Anything heavy that he could throw or any, any stabbing device that was near him.

McKelvy: Could you see if there were any chemicals in that closet?

Romero: I don't remember, ma'am.

McKelvy: Well, did it…did it seem like it was full in there or just barely items in there?

Romero: It, it looked pretty, pretty full.

McKelvy: Uh-huh (AFFIRMATIVE). And just…again, trying to see if we can get a, a visual, how big was this closet?

Romero: How could I describe it? It was pretty small.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Probably enough for, for himself to stand up. He would cover most of the, the broom closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And maybe one other small person. I don't know if that makes sense.

McKelvy: Yes. Yes.

Guillen: And you said he was squatting in the back, is there anything, like, concealing him at all? Or is he…like, anything hanging in the closet that he's hiding behind? Or…

Romero: I didn't see any hanging. However, he was…it appeared he was leaning up against the items that were…that were inside.

Guillen: And did you have a clear…an obstructive view of him?

Romero: When I initially opened the door, I did. And then I positioned myself to the right, so I kind of lost the obs of him.

Guillen: Got you.

McKelvy: So, by you positioning yourself to the right, what could you see of the suspect's body?

Romero: Not much. Deputy [redacted] was standing in front of me.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And then [redacted] was to my left. So, I would only see him if I kind of, like, peaked inside and see what he was doing. But he was pretty static and just kind of squatting there.

McKelvy: Uh-huh (AFFIRMATIVE). And what I just saw you do is kind of, like, lean towards your left.

Romero: Correct.

McKelvy: So, you would have to lean towards your left to see his body fully after you moved over?

Romero: Correct.

McKelvy: How is his demeanor once you open that door?

Romero: Initially, he…it looked like he raised a cell phone, and, like, he was recording us.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: That's when I saw of him and after Deputy [redacted] gave him commands to step out, after…before I lost sight of him, he was just kind of squatting there. Leaning up against the, the closet.

McKelvy: Was he saying anything?

Romero: I don't remember.

McKelvy: Uh-huh (AFFIRMATIVE). All right. So, what happened next?

Romero: So, from what I remember, they keep giving him verbal commands to step out. At one point, I hear Deputy [redacted] tell him to step out. Verbal commands to step out.

McKelvy: So, you had multiple deputies communicating with him at the same time?

Romero: At this point, I heard Deputy [redacted] giving him verbal commands.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Because he was at one point standing directly in front of the doorway.

McKelvy: The suspect or [redacted]?

Romero: Deputy [redacted] was standing directly in front of the suspect.

McKelvy: Uh-huh (AFFIRMATIVE). About how far away was he?

Romero: Definitely less than six feet.

McKelvy: Uh-huh (AFFIRMATIVE). What happened?

Romero: Gave him verbal commands to step out and then I heard Deputy [redacted]…well, I heard and saw him deploy the 40-millimeter baton launcher.

McKelvy: So, he had…he was assigned the baton launcher?

Romero: Correct.

McKelvy: Was that independent action that Deputy [redacted] took?

Romero: I believe he was directed by a field sergeant to deploy it, ma'am.

McKelvy: And how close was Deputy [redacted] to the suspect when he launched it?

Romero: Less than six feet.

McKelvy: Less than six feet?

Romero: Yeah.

McKelvy: How many…how many times did he launch it at that point?

Romero: Twice.

McKelvy: Two…tw…twice in succession?

Romero: No, it was once.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And then more verbal commands and then he fired a second round.

McKelvy: How much time in between those two rounds?

Romero: Less than a minute, definitely.

McKelvy: And did, did Deputy [redacted] launch them both at the direction of Sergeant Alvarez?

Romero: I don't remember, ma'am.

McKelvy: Do you know if the first time he did?

Romero: May I refresh my memory of…

McKelvy: Sure. Of course.

Romero: It's not on my report, ma'am. I just put, "See Deputy [redacted] supplemental." But I don't…I don't remember that.

McKelvy: When Deputy [redacted] launched that first round, what effect did it have on the suspect?

Romero: I remember hearing the suspect saying, "You shot me. You shot me."

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And but he still didn't come out.

McKelvy: And then what about the second time?

Romero: I remember seeing his body kind of pop out.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But he didn't fully come out and, and comply with our orders.

McKelvy: What happened next?

Romero: After that he…I remember seeing his body step back into the closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And I saw Deputy [redacted] deploy his…or deploy a drive stun with his issued taser.

McKelvy: Deputy [redacted]?

Romero: Yes.

McKelvy: All right. So how was he able to do that?

Romero: He positioned himself in front of me, kind of moving me and Deputy [redacted] out of the way a little bit.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And I remember when I was aiming to the, the closet door, it appeared that the suspect was kind of bracing himself with his left arm against the wall from inside the closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, it appeared that Deputy [redacted] performed a drive stun to his left arm.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Forearm area, I'm not sure where.

McKelvy: So, with the drive stun did…how long did he drive stun on the suspect on the left arm?

Romero: I don't remember if it was a full second…full five-second cycle.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: However, I do…I remember hearing it being fired.

McKelvy: Yes. What effect did it have on the suspect?

Romero: It sounded like the suspect cried out in pain from the…from the taser. But he still wouldn't fully come out…come outside.

McKelvy: Now, when you say "fully…he wouldn't fully come out of the closet," what did he do?

Romero: I'm sorry, can you…

McKelvy: You said the suspect didn't fully come out of the closet.

Romero: Right.

McKelvy: So, full…to me, full means not all or a portion.

Romero: Correct. He wouldn't completely step out of the closet and put his hands behind his back to be handcuffed.

McKelvy: So, what did…

Romero: So, he would remain inside the, the closet, kind of bracing himself against the wall inside.

McKelvy: Did any part of his body…did he put any part of his body out…outside of the closet after the…while being drive stunned?

Romero: Not that I could see.

McKelvy: So, what happened next?

Romero: So, at that point, I remember Deputy [redacted]…actually, I remember hearing the field sergeant saying, "Grab him."

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Which would be Deputy [redacted] and myself since we were the hands-on deputies.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Deputy [redacted] was standing in front of me, and he was blocking pretty much the whole entrance to the closet.

McKelvy: Who was?

Romero: Deputy [redacted]. So, I know he was making efforts to actually get a controlled hold of the suspect. But it sounded like there was some sort of struggle and I did see the suspect kind of, like, flaying and swinging his arms towards Deputy [redacted]

McKelvy: So, at that point, when the sergeant directs you and Deputy [redacted] to grab him, the suspect is still in the closet?

Romero: Correct.

McKelvy: You and [redacted] approach the threshold of the closet?

Romero: Correct.

McKelvy: All right. Did you…did, did you guys discuss who was going to grab the right, who was going to grab the left hand? Right hand, left hand?

Romero: Initially, due to me positioned to the right side of the closet, we couldn't tell how small that broom closet actually was. For some reason, we thought it was probably a little bit bigger. So, I assumed that I would grab the right arm and Deputy [redacted] would grab the left arm.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But once we opened the door and saw there was a confined space, essentially Deputy [redacted] took command and stood in front. So, I couldn't really choose a side to grab him at that point.

McKelvy: Uh-huh (AFFIRMATIVE). And what did you see Deputy [redacted] do?

Romero: He was…it looked like he was reaching in trying to grab the, the suspect.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And that's when I saw the suspect kind of flaying his arms and, and punching towards him.

McKelvy: Punching with closed fists?

Romero: It was both. It was kind of slapping, and then at the same time reaching, and at the same time swinging his fists.

McKelvy: And he was doing all this toward Deputy [redacted]?

Romero: Correct.

Guillen: Was it one hand or two?

Romero: I don't remember, Sarg.

McKelvy: Did you see if he made contact with Deputy [redacted] body?

Romero: I did not.

McKelvy: Uh-huh (AFFIRMATIVE). So, what happened at that point?

Romero: After that, Deputy [redacted] actually fired his taser at the suspect ut…utilizing the prongs.

McKelvy: Was Deputy [redacted] still standing there in the…at the threshold?

Romero: He was standing there. However, I believe he moved a little bit to the side.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, Deputy [redacted] was able to get a good obs of the suspect.

McKelvy: Where were you standing?

Romero: I was still standing to the right at that point.

McKelvy: And which way did [redacted] come in to, to deploy the…or employ the taser?

Romero: It had to be through my left side because that's the only access point to the…to the closet.

McKelvy: So, you're still mainly to the right of, of Deputy [redacted]?

Romero: Correct.

McKelvy: Deputy [redacted] is standing, like, center of the threshold?

Romero: Correct.

McKelvy: And then [redacted] came to your left?

Romero: Correct.

McKelvy: In between you and [redacted]?

Romero: I don't remember if it was in between. But I know definitely he was standing behind me.

McKelvy: When he…when he deployed it, he was standing behind you?

Romero: To the left and yeah, to the…to the rear of me.

McKelvy: All right. So did the…did the prongs hit or, or land on the suspect?

Romero: It's…I did not see them. However, it sounded like they did because he immediately screamed out in, in pain.

McKelvy: Uh-huh (AFFIRMATIVE).

Guillen: Did, did, did he…I'm trying to envision what you're saying. So, he was to your left and behind you, so did he reach his arm up and over or did he have space next to you to get his arm in there?

Romero: I don't remember if he actually had, like, like, a clear shot…

Guillen: Uh-huh (AFFIRMATIVE).

Romero: …completely of him. Or it was more like a…like reaching over kind of thing. So, I wouldn't know.

Guillen: Did you see the arm go past you?

Romero: Yes.

Guillen: Were you clear of it?

Romero: Yes.

Guillen: And was the other deputy…was it [redacted]? Was he clear?

McKelvy: [redacted].

Romero: [redacted].

Guillen: Or [redacted] I'm sorry.

Romero: Yes.

Guillen: So, the, the…he had a clear shot with his arm as he went in?

Romero: Correct.

McKelvy: So, you heard…you heard the suspect cry out in pain from the taser?

Romero: Correct.

McKelvy: Did he come out of the closet?

Romero: Momentarily.

McKelvy: Tell me more about that.

Romero: He kind of like stands up, I think from the pain, and he's, like, walking towards the door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But he still wasn't fully complying and completely step out of the door frame.

McKelvy: Uh-huh (AFFIRMATIVE).

Perry: When you say fully complying, are you…is he, like, coming forward and moving back? Or is he…is he going back into the closet?

Romero: He complies and comes forward, but then it seems like he goes back into the closet, and he braces himself again.

McKelvy: So, even at that point, did he ever come out of the clos…past that threshold and come out of the closet?

Romero: Not that I remember.

McKelvy: So, when Sandoval deployed…employed the taser…I always do that. Was that independent action or did you hear Sergeant Alvarez tell him to, to use the taser?

Romero: I don't remember, ma'am.

Guillen: And when he was coming forward are you…I kind of get the impression you think he's going to comply and then he backs up and breaks himself…braces himself and he's no longer compliant. Is that…

Romero: Correct.

McKelvy: Just looking at your report, you did mention that you saw the suspect use his left hand to kind of brace himself, and you were also noting that he used his foot to brace himself as well. Tell me what that looked like.

Romero: So, he was still in some sort of squatted position. And from inside the closet, there was probably, like, a foot-wide piece of the wall…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …that he's able to position his hand and I believe it was his left leg.

McKelvy: So, am, am I visualizing this correctly to say that if he has his left hand and left foot bracing it against the wall, that's at…near, like, the opening of the closet?

Romero: Correct.

McKelvy: And then the…so is he basically facing sideways? Because where is his…where is the right side of his body?

Romero: His body was still leaning against the materials that were inside the closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But his body…the…is facing us. So, he wasn't fully sideways because his, his chest was still facing towards us.

McKelvy: Uh-huh (AFFIRMATIVE).

Guillen: Was he using his right arm at all to brace on anything inside?

Romero: Initially, I remember just seeing his right arm kind of flailing it and swinging.

Guillen: What about his foot, right foot?

Romero: Not until I came in.

McKelvy: So, he's struck. The…so the, the taser seemed somewhat effective…

Romero: Correct.

McKelvy: …in causing some sort of reaction of the suspect? What happened after the taser was employed the second time?

Romero: I used that time or the lull,, as I wrote, to…since he kind of stopped his, his assault. And I attempted to grab him with my left hand. And that's when he began pulling away once again. And at one point I, I did manage to grab his…the sleeve of his bathrobe and his…like, his upper back area with my left hand. And at first to kind of get him to stand up and pull him towards us.

McKelvy: All right. So, you were just using your left hand to do this?

Romero: For leverage, yes.

McKelvy: And what were…what were you doing with your right hand?

Romero: When he was still inside the closet, the only way I could get my body in there was just my left arm at the left side of my chest.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, I, I kind of…I was kind of reaching for his left side of his robe. It was pretty loose, so I was able to get a good hold of it and kind of just pull him towards us.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But due to his stature, he was still able to pull away.

McKelvy: So, at that point when you were pulling at his left side, is…are you the only one that's making physical contact with the suspect?

Romero: From what I could see, yes. Because my visual was still a little obstructed with the outside wall of the closet.

McKelvy: Uh-huh (AFFIRMATIVE). And you're at…you're at the opening there and you're reaching in with your left hand going towards the suspect's left arm?

Romero: Correct.

McKelvy: Where was [redacted]?

Romero: [redacted], I don't remember if he was standing behind me or he positioned himself to the left behind me.

McKelvy: From the moment that that…the prongs…I'm assuming they entered the suspect somewhere because they had an effect that, that caused him to pause...

Romero: Correct.

McKelvy: From that moment until you made contact with the suspect, how much time passed?

Romero: It was immediate.

McKelvy: So, you're, you're trying to pull him out of the closet with your left hand?

Romero: Correct.

McKelvy: And what happened?

Romero: He continues to pull away. At one point, he re-braces himself to the back of the wall, and he starts kicking his right leg towards me.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And he makes contact with my chest once.

McKelvy: So, he used his foot to kick your chest?

Romero: Correct.

McKelvy: And how did that affect you?

Romero: It pushed me back. It was definitely stronger than I thought it was going to be.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And it did cause me to kind of take a few steps back and reassess everything.

McKelvy: How many times did he kick you?

Romero: Just once.

McKelvy: After he kicked you and you stepped back, what, what did the…what, if anything, did any of the other deputies do?

Romero: I don't remember seeing them.

McKelvy: So, nobody was standing in front of the door anymore?

Romero: No. I was mainly focused on, on him at this point.

McKelvy: So, you're reaching in, you're trying to pull him out with your left hand, he's fighting against you basically with his body pulling away?

Romero: Correct.

McKelvy: Back…pulling himself back into the closet?

Romero: Correct.

McKelvy: Further into the closet I should say. And then at some point, he uses his…you said his right foot to kick you?

Romero: Yes.

McKelvy: All right. So, at that time, you're there, he kicks you, he made contact with your chest, you step back.

Romero: Correct.

McKelvy: There's a space between you and the opening of the closet?

Romero: Yes.

McKelvy: And no deputies are engaging the suspect?

Romero: I remember them being to my right.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: I don't remember exactly if they were engaging at that point.

McKelvy: All right. So, what happens next?

Romero: I unholster my taser.

McKelvy: You said you do what?

Romero: Unholster my taser.

McKelvy: Unholster your taser. Was that a…an independent action or directed by the sergeant?

Romero: Independent.

McKelvy: And what happened after that?

Romero: I went in towards the suspect and told him to step out or I would tase him. That appeared to actually have a positive affect because he kind of was like, "Okay, okay." And he stepped completely out of the broom closet.

McKelvy: So, he comes out of the closet eventually on his own?

Romero: Yes, completely.

McKelvy: And then what happened?

Romero: He faces the wall in order to be handcuffed behind his back.

McKelvy: Uh-huh (AFFIRMATIVE). What happened next?

Romero: So, during the point that I'm holstering my taser back into the holster, I see deputies standing behind him, placing his arms behind his back.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And as, as I focus my attention back to him, I see him start now pushing away from the wall…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …and back towards the center of the…of the office.

McKelvy: Was he saying anything?

Romero: Not that I remember.

McKelvy: Was anyone saying anything to the dep…to the…to the suspect?

Romero: Not that I remember, no.

McKelvy: Uh-huh (AFFIRMATIVE).

Guillen: How was he pushing himself away?

Romero: Using his bodyweight. He was in a standing position, so he kind of just…

Guillen: Was his hands behind his back still?

Romero: They were…I remember seeing them to the side. And as deputies were trying to gain control of his hands, that's when he just quickly pushed his body back.

Guillen: Did he use his hands against the wall to help himself?

Romero: I didn't see his…

Guillen: You didn't see that? And did…do you remember…did the deputies have his hands behind his back before he started pushing?

Romero: It appeared that they did. But I was still holstering my taser and my attention was to that. And it was…

Guillen: So, at some point, it went from hands behind his back to they were at his side and he's coming backwards?

Romero: Correct. And once again, that happened really fast.

McKelvy: So, at the point where [redacted] and…was it [redacted]? [redacted]…was it [redacted] and [redacted] that were trying to put handcuffs on the suspect while he was standing right there?

Romero: I remember seeing them there, but I'm not sure who else was assisting with them.

McKelvy: There was additional outside of them?

Romero: Yes.

McKelvy: What happened at that point?

Romero: I holstered my taser and offered to assist them in handcuffing him. And that's when I saw him push away or use his body weight to push back

towards the center of the room. And that's when they, you know, attempted to perform a, a team takedown…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …to put him on, on his stomach.

McKelvy: Was that directed or independent action?

Romero: I don't remember, ma'am.

McKelvy: You didn't hear the sergeant? Or you said you didn't remember, okay. So, what happened with the…with the temp…the team takedown?

Romero: It wasn't completely successful. It appeared that the suspect kind of landed on, on his knees.

McKelvy: So how, how did they do this team takedown?

Romero: Essentially, they were just trying to pull him down to either one side that he was focusing more to.

McKelvy: Who?

Romero: The suspect. So, if he's bringing his body back, I…I'm, I'm not assuming, but they would try to pull him back to take him down.

McKelvy: Can you further describe what you saw the other deputies doing?

Romero: I saw deputies around him.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: They were trying to take him down to put him on his stomach.

McKelvy: How?

Romero: By pulling him down.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And the suspect was, at that point, like, in a crouching position. I don't remember if he was on both of his knees or one knee.

McKelvy: And this is the suspect on the floor?

Romero: Correct.

Guillen: Could you tell where the deputies were grabbing…specifically, who was grabbing where? Or just that deputies were grabbing? Could you tell where hands were?

Romero: No, not at all. It was just deputies around him at that point.

Guillen: Was there any communication between the deputies as far as, "Bring him down this way, that way," any?

Romero: I didn't hear anything.

McKelvy: All right. So did any other deputies enter into that room when the suspect came out of the closet?

Romero: From the whole time I…that incident, I only remember the same deputies.

McKelvy: So [redacted], you…

Romero: [redacted]

McKelvy: …[redacted] and [redacted]?

Romero: Correct.

McKelvy: So, it's the five of you, plus the sergeant?

Romero: Correct.

McKelvy: All right. So, the suspect ends up on the floor. But he's not proned out on the floor, he's on his knees, you say.

Romero: Correct.

McKelvy: What's happening then?

Romero: It appeared that he's trying to push his body towards the entrance of the office door to go out into the hallway (talking over).

McKelvy: And how is he doing that?

Romero: He's just literally shuffling his body towards that direction.

McKelvy: So, from the closet area, you see him shuffling his body on his knees?

Romero: After he pushes back, he actually makes it towards, like, the center of the room. And that's when I saw deputies try to take him down.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: A team takedown. But due to it not being successful, he's able to kind of shuffle his way in on his…it looked like on his knees towards the…towards the doorway.

McKelvy: Is it like a crawl? Or is he scooting? Or…I'm, I'm trying to get an understanding of how he's able to move his body towards the, the door…the entrance door.

Romero: It could be…it, it looked like a crawl.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: It wasn't really scooting, but he was more crawling towards the door frame.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And at one point, he does reach the, the door handle of the office door.

McKelvy: Where are…where are the other deputies that had…were engaged with him? What were they doing?

Romero: They were still trying to take him down to the…to the floor.

McKelvy: So, was he…he, he was already on the floor on his knees, right? Or did he get up?

Romero: He was trying to get up.

McKelvy: And so, what did you see the deputies do to prevent him from getting up?

Romero: They were using their body weight to kind of keep him down and put him back on the floor.

Guillen: Is he on hands and knees or is it more of a bear crawl?

Romero: It's both.

Guillen: Both? Is he…as he's trying to rise, it goes from hands and knees to a bear crawl?

Romero: Correct.

McKelvy: So, you said the deputies were using their body weight?

Romero: Correct.

McKelvy: Who was doing what?

Romero: All I remember seeing Deputy [redacted] kind of, like, on his side.

McKelvy: What side?

Romero: I don't remember what side. But he's on…at one point, he's next to the suspect who's crawling.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And Deputy [redacted] was on his side completely flattened out, I guess.

McKelvy: You're saying Deputy [redacted] body was to the side? Or was he on the side of the suspect?

Romero: No, he was…his body was on the floor on his side.

McKelvy: And you don't remember what side of the suspect's body Deputy [redacted] was on?

Romero: He was on the right side of his…of the suspect's body.

McKelvy: And he was on the right side of the suspect's body on his side?

Romero: Correct.

McKelvy: And what was he doing with his arms…with his hands?

Romero: I couldn't see.

McKelvy: And then what about [redacted]?

Romero: [redacted] was in that area too, but I couldn't see exactly what they were trying to do.

McKelvy: Uh-huh (AFFIRMATIVE). Where were you?

Romero: I was still standing towards the center of the room.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Kind of assessing what to do next.

McKelvy: So, you're standing and, and the other deputies along with the suspect is on the floor?

Romero: Correct.

McKelvy: So, your vantage point is looking down at them?

Romero: Correct.

McKelvy: All right. So, when you look down, other than the suspect's body, what, what are you looking at? What do you see?

Romero: Essentially, just a dog pile of deputies trying to get the suspect under control.

Guillen: And when you see Deputy [redacted] on his side, does it look tactical? Or does he look like he's in trouble? Or what…what's your thought process?

Romero: It looked like definitely he got knocked down or lost his footing at some point and ended up like that.

Guillen: So, it's not like he placed himself there, it looks like he got knocked there?

Romero: Correct.

McKelvy: All right. So, you, you just mentioned that at some point the suspect was able to reach the door handle of the, the entrance/exit door of the office?

Romero: Correct.

McKelvy: What did he do when he got to that…to that area?

Romero: It appeared that he was trying to gain his footing and stand up.

McKelvy: How so?

Romero: By grabbing onto the door handle as leverage.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And utilizing it to balance himself to stand up.

McKelvy: So, he's, he's on his knees and he's reaching up and he placed his hand on the door handle?

Romero: Correct.

McKelvy: And are the deputies positions any different than the way they were from the time that they, they fell to the floor?

Romero: At that point, now they're wedged into the door frame.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, it was just, just like a dog pile I'd say. Essentially, trying to prevent him from, from escaping out to the hallway.

McKelvy: Uh-huh (AFFIRMATIVE). And…go ahead.

Guillen: How many deputies are on this dog pile? Like, how many are on…actually on top of the suspect?

Romero: I remember seeing Deputy [redacted] and [redacted].

Guillen: And is the suspect still able to crawl with them on top of him?

Romero: Definitely.

Guillen: So, they were having trouble keeping him down even with three bodies putting body weight on him?

Romero: Correct.

McKelvy: So, what happens when…once he gets to, like, the door handle? The, the door?

Romero: I remember hearing the taser being fired. I could hear the, the taser cycling. And at one point, I do hear Deputy [redacted] screaming that, "He's getting ahold of my taser."

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Referring to the suspect.

McKelvy: So, who, who was deploy…who employed the taser?

Romero: I don't know. I couldn't see.

McKelvy: And then when you're hearing Deputy [redacted] who…is he still on his side?

Romero: Yeah, he's still on the floor.

McKelvy: He's still on the floor, but he's…is he on his side?

Romero: Yes, he was just on his side.

McKelvy: All right. And then you see…you hear him say, "He's getting my taser."

Romero: Correct.

McKelvy: Did you see where Deputy [redacted] taser was?

Romero: I did not.

McKelvy: And to your knowledge, was anyone other than you and Deputy [redacted] equipped with a taser?

Romero: From what I could see, it was just me and him.

McKelvy: And you weren't deploying your ta…employing your taser at that time?

Romero: Correct.

McKelvy: All right. So, you hear [redacted] saying that "He's, he's grabbing my taser." What happens then?

Romero: So, the suspect continues to make his way or shuffle his body towards the exit of the office door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And it appeared that he was standing up.

McKelvy: So, you hear the sound of the taser.

Romero: Correct.

McKelvy: You hear [redacted] say, "He's grabbing my taser." What was the suspect doing at that time when you hear him saying, "He's grabbing my taser"?

Romero: Still continuing to shuffle his body towards the entrance/exit of the office door.

McKelvy: Uh-huh (AFFIRMATIVE). So, when he…when you see the suspect, you, you say you saw him stand up?

Romero: No, he wasn't…he didn't stand up. He was still trying to stand up.

McKelvy: So, what was going on there?

Romero: Fearing that he was going to disarm Deputy [redacted] from his taser, then use it against us, I utilized that time to grab the suspect's hair.

McKelvy: So…

Romero: So, I'm standing behind them at this point.

McKelvy: You're standing behind them?

Romero: Correct.

McKelvy: And then you said you grabbed the suspect's hair. So, did you have to reach over a deputy?

Romero: I did.

McKelvy: Which deputy was that?

Romero: I don't remember. They were just…they were still kind of, like, in front of me…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …on the…on the floor.

McKelvy: So, you're standing up and reaching over a deputy to grab his hair?

Romero: Correct.

McKelvy: And at wha…what part of his head are you grabbing his hair from?

Romero: From the top back area of his head.

McKelvy: And what happened there?

Romero: Utilizing personal weapons, I struck him to the right side of his face once.

McKelvy: Using which hand?

Romero: My right hand.

McKelvy: So, you're grabbing his hair with your…with his left…with your left hand?

Romero: Yes.

McKelvy: You struck him one time in the face with…on the right side of his face?

Romero: Yes.

McKelvy: And where did your punch or your strike land?

Romero: To the side of…right side of his face.

McKelvy: Right side, okay.

Guillen: And just so I can picture this, you're holding…as you're striking, you're still holding the hair?

Romero: Yes.

Guillen: So, was it, like, kind of a reach around punch?

Romero: It was a reach around.

Guillen: So, over the shoulder…over his shoulder I should say, coming…since you were behind him, kind of where at roughly?

Romero: To the meaty part of the right side of his face.

Guillen: Me…meaty side?

Romero: Yes.

Guillen: Meaning, like, cheek area?

Romero: Cheek area.

McKelvy: When you hit him that one time on the right side of his face, what was the desired effect that you had in using your personal weapon in that manner?

Romero: So, I grabbed onto his hair to change his line of sight from where I believe he was trying to disarm Deputy [redacted] taser.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And strike him in the face in effort to have him let go and to have him lay down on the floor flat using pain compliance.

McKelvy: Could you see the suspect's hands when you struck him in the face?

Romero: I did not.

McKelvy: So, you didn't know where his hands were?

Romero: Correct.

McKelvy: And so, you were going off of what, when you made the decision to use personal weapons?

Romero: Off of Deputy [redacted] saying, "He's getting my taser. He's getting my taser."

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And I could hear the sound of the taser being fired.

Guillen: What did you think when you hear him say that and then hear the taser? What's going through your mind of what's happening?

Romero: Just based on the amount of deputies that were attempting to control him and still being unsuccessful to flatten him out on the ground…

Guillen: Uh-huh (AFFIRMATIVE).

Romero: …and the suspect still making his way towards the door and essentially standing up, I thought he was going to grab the taser, use it on us or use it on anybody else that was outside.

Guillen: So, did you believe he had the taser already, like, when [redacted] says that, and then you heard that actual taser being employed?

Romero: Correct.

Guillen: And did you believe that it was being used by who? Who did you think was using the taser when you heard it being employed?

Romero: I believed it was being fired by the suspect just to the urgency of Deputy [redacted] voice saying, "He's got my taser. He's got my taser." So it sounded urgent that he either loss control of it or that the suspect managed to get his finger inside the trigger of it.

McKelvy: So, you hit him once, what happened after that? What was the suspect's response to being struck?

Romero: It appeared that the strike was successful. He fell forward and I was able to…he fell forward, he was still on the doorway of the…of the office. I stepped over my left to gain control of the left side of his body.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, he has half of his body…half of his torso out towards the hallway, and then his legs were still inside the office door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And deputies were to the sides of him at this point.

McKelvy: To the what?

Romero: To each side of him. So, I had to physically step over them to step on the outside of the office.

McKelvy: When you were standing behind the deputies and the suspect on the floor and you used your left hand to grab the sus…suspect's hair, were there an…could you see the suspect's face at that time?

Romero: No.

McKelvy: So, when you were…when you were aiming your, your, your hand or your fist towards the suspect's face, were you looking at where your strike was, was going?

Romero: Yes.

McKelvy: So, at that point, you could see the suspect's face?

Romero: I could see the backside of his head and, like, the right side of his face a little bit.

McKelvy: All right. So, prior to you or leading up to you having the mo…the motion of your fist going towards the suspect's face, did you observe any injuries on his face?

Romero: I did not.

McKelvy: When you…and taking it back a little bit before then when the attempt to do the team takedown, could you see where the suspect's…where his body landed? Or did you see if his face hit the floor?

Romero: No, I could not.

McKelvy: So, by the time you went to the left side after striking him and him lying flat on the floor, what else happened at that point?

Romero: I attempted to assist Deputy [redacted]. I remember he ended up to the left side of the suspect and, and where I was standing. And we attempted to handcuff his left hand behind his back, the suspect's.

McKelvy: So, was his hands already free or did he…had he secreted his hands anywhere?

Romero: His hands were not free. They were still towards the front of his body.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And he was still making efforts to stand up.

McKelvy: But at that point, had he laid his body down flat?

Romero: Partially.

McKelvy: Tell me more about that.

Romero: So, he would lay his body down flat, and I would...as we were…as I was attempting to gain control of the left side of his…of his left arm, he would lift up his chest. I'm not sure if he was using his right arm to kind of push himself up again, but he was definitely lifting himself back up off the floor.

McKelvy: Uh-huh (AFFIRMATIVE). How far off the floor did he get?

Romero: Enough to that if we didn't control him he would rapidly stand up again.

McKelvy: And then how much of his body was he able to lift up at that…at that stage right there at the threshold of the door or the entrance to the office?

Romero: His upper chest.

McKelvy: So, from his…from his basic…from his…

Romero: Mid-section.

McKelvy: …mid-section all the way up to his head?

Romero: Correct.

McKelvy: All right. So, who pulled the suspect's left arm from underneath his chest area?

Romero: It was Deputy [redacted] and myself.

McKelvy: So, you both were on the same side of his body?

Romero: Correct.

McKelvy: All right. And how were you able to pull his arm out?

Romero: Utilizing both of my hands and cupping his arm and pulling it towards my direction.

McKelvy: And what was [redacted] doing?

Romero: I remember seeing him…I, I don't remember if he was, like, behind him or not or on top of him. I don't really remember.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But I know he was assisting me in, in controlling his left arm.

McKelvy: So where was your body when you were pulling his arm?

Romero: To his left shoulder area.

McKelvy: So, would you have already been ma…in the…like, the lobby area at that point?

Romero: Yes.

McKelvy: And then [redacted] was still inside the office?

Romero: From what I remember, he was still kind of halfway out also.

Guillen: How was your body positioned when you grabbed the arm?

Romero: I was on…I believe I was on my…one of my knees or both of my knees. But I was definitely facing him, or my chest positioned towards, towards him.

Guillen: So, you're either on both knees or a half squat, half kneeling?

Romero: Correct.

McKelvy: So, once you, you and [redacted] was able to control the left arm, what did you do with it?

Romero: I assisted Deputy [redacted] in handcuffing his left hand. And I remember seeing the suspect lift his body up again. So, I wasn't entirely sure if he was using his knees or his legs to attempt to stand up because I couldn't see them. So, then I struck him on the left side of his face once.

McKelvy: Uh-huh (AFFIRMATIVE). Using what?

Romero: My left hand, personal weapon.

McKelvy: In a fist?

Romero: Yes.

McKelvy: And what effect, if anything, did it have on the suspect?

Romero: It had a positive effect. He laid down on his stomach after the strike. And due to his stature, we couldn't handcuff him with one set of handcuffs, so I remember Deputy [redacted] ordering a second set of handcuffs for the right side of his body.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Or for his right arm.

Guillen: And that was one strike?

Romero: Yes.

Guillen: And when he was standing, that was one punch as well?

Romero: Correct.

McKelvy: So, I'm, I'm going to back up just a little. You ended up coming to the lobby area at the…at his shoulder area. That part was already…had crossed the threshold…

Romero: Correct.

McKelvy: …from coming outside of the office. So, you're grabbing the left hand and you're getting (UNINTELLIGIBLE) on his body, and [redacted] somehow has the left hand as well.

Romero: Correct.

McKelvy: Who puts the handcuff on the left wrist?

Romero: I don't remember if it was myself or Deputy [redacted].

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: However, I am the one that ends up taking control of the, the chain in the middle of the handcuffs…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …and holding onto it.

McKelvy: So, you're holding onto it, and where is that wrist?

Romero: It's still on his side and I'm trying to position it to the small of his back.

McKelvy: All right. So, is that still inside the office or in the lobby?

Romero: It's still…

McKelvy: Crossing the threshold?

Romero: Yeah, it's still crossing the threshold.

McKelvy: So, was his upper body area…had that already crossed the threshold?

Romero: Yes.

McKelvy: And then so the length of the suspect's arm where you are holding his left arm with the handcuff on it, it still did not cross back over the threshold into the office space?

Romero: Correct.

McKelvy: And then when you punched the suspect, what hand were you holding the, the handcuff or the wrist with?

Romero: With my right hand.

McKelvy: You were holding it with your right hand, and you punched the suspect with your left hand?

Romero: Correct.

McKelvy: And then he laid back down on the floor?

Romero: Correct.

McKelvy: So, you're still holding the, the left hand, and then you said [redacted] and who else was on the side with [redacted]?

Romero: There I think it was Deputy [redacted] and [redacted]. They were to the right side of him still.

McKelvy: All right. They got him in a handcuff on the right side?

Romero: They were attempting to, yes.

McKelvy: So, what happened prior to?

Romero: So, after my strike…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …he lays flat down. So, I'm, I'm moving his arm towards small of my back…small of his back. I hear Deputy [redacted] ask for a second set of handcuffs. And as they're trying to handcuff his right arm, I see the suspect once again start pushing his body up.

McKelvy: So, you have control of the left arm?

Romero: Correct.

McKelvy: Did anybody have control of the right arm?

Romero: It sounded like Deputy [redacted] was handcuffing his right arm with the assistance of Deputy [redacted] and [redacted].

McKelvy: So, even though both of his arms were in the control of deputy…deputies there on scene, you're saying he was still able to lift his chest up?

Romero: Correct.

McKelvy: And how far did he separate himself from the floor?

Romero: The second time, not as far.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But he was still able to pull using his strength…his left arm from my control. So, I have his right arm, and he's able to pull his arm out towards…

McKelvy: You had the right arm?

Romero: I'm sorry, his left arm. He was able to pull his left arm out.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Even though I was trying to contain it to the small of his back.

McKelvy: Uh-huh (AFFIRMATIVE). And what happened then?

Romero: So, once I felt him, again, trying to resist putting his hands behind his back, I struck him one more time to the left side of his face.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Same area. And that caused him to completely lay down.

McKelvy: Where did your strikes land when you struck him on the left side of the face?

Romero: On his cheek area.

McKelvy: Uh-huh (AFFIRMATIVE).

Guillen: What were you trying to accomplish when you punched him in the face on the left side of his face?

Romero: I was fearing that the suspect was, again, trying to stand up with his…using his legs and his body weight to stand up and, and take off from where we were at.

Guillen: So, you…your punch, the intention was to prevent that?

Romero: Correct.

Guillen: And what was your fear if that happened?

Romero: I still wasn't fully sure if he disarmed Deputy [redacted] from his taser.

Guillen: Uh-huh (AFFIRMATIVE).

Romero: And just based on all of our efforts trying to take him down weren't working, fear that he was going to run out and cause more damage somewhere else.

Guillen: So, you just described two parts to it. Like, one is he may have…be armed with a taser. And then two, he's going to get away.

Romero: Correct.

McKelvy: All right. So just let me clarify your recount of the incident on your supplemental report. I'm on Page 4. So, and the second paragraph, that's when you were describing that you struck…you grabbed the Suspect Mathews hair with your left hand you utilized personal weapons to strike the suspect once with your fist.

Romero: Correct.

McKelvy: And then we go down to paragraph seven…one, two, three, four, five, six…paragraph six. And that's when you're describing that you were concerned that Suspect Mathews was going to pull his arm away from his back. So, at that time you had his left wrist at his lower back, correct?

Romero: Correct.

McKelvy: "This potentially could give him enough leverage to stand up. I reassessed the situation and utilized personal weapons. I struck Suspect Mathews approximately two more times in the face."

Romero: Correct.

McKelvy: So, I'm not sure if I heard wrong because I thought you said you only struck him once on the…on the left side.

Romero: No, on the left side of his face it was twice when we were attempting to handcuff him. Once, was when I reached from the back.

McKelvy: Uh-huh (AFFIRMATIVE). All right. So, I…so prior to you striking the suspect on the left side of his face, did he have any injuries on his face?

Romero: Not that I could see.

McKelvy: So, after you guys are able to join the, the two handcuffs, based on Deputy [redacted] request for the additional handcuff, what happened at that point? Was he still resist…was the suspect still being resistive?

Romero: No.

McKelvy: So, he didn't resist any more after that?

Romero: Correct.

McKelvy: So, at that point, where was your body? Where were you?

Romero: Still to the left side outside the, the office.

McKelvy: All right. And what happened after that?

Romero: Once he was handcuffed, LA County Fire responded and treated the suspect.

McKelvy: How long did it take for them to get there?

Romero: They were staged right outside the lobby. So, they were…they were present the whole time.

McKelvy: So, they were…they witnessed the force?

Romero: N…no.

McKelvy: So, were there…when you say they were present, where were they standing by?

Romero: The main entrance to the apartment complex from the street.

McKelvy: And so, they were there within seconds?

Romero: Yes.

McKelvy: All right. So, what did…what did you as the deputies, what did you guys do prior to Fire actually being there right in front of the…where you guys are at with the suspect?

Romero: We placed him in a recovery position.

McKelvy: What does that look like?

Romero: The suspect was to the left side of his body with one of his knees…the leg that's closer to the floor is extended.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And the leg that's essentially closer to the ceiling is placed in a folded position for an effort for him not to be on his back and obstruct his breathing or on his chest. And we were able to put him on his side until Fire responds and treats him.

McKelvy: So, he, he was on his left side leading all the way up until he was treated by Fire?

Romero: Correct.

McKelvy: At that point, did you observe any injuries on the suspect?

Romero: I saw blood coming from the left side of his face.

McKelvy: Any other injuries?

Romero: Not that I could see.

McKelvy: Were you injured?

Romero: No, ma'am.

McKelvy: Were any of your partners injured?

Romero: Not that I know of.

Guillen: I have a couple. Just to back up to the beginning. When…how did you arrive there? I, I was confused of…did you go to the call? AS'd yourself to the call? Or was it, like, a response over the radio? Was it…you had mentioned you went…you added yourself, but was that due to it being over the patch?

Romero: Correct.

Guillen: So, it was an assistance request?

Romero: Yes.

Guillen: Did you respond Code 3?

Romero: No.

Guillen: No? And then when the door opens and you see the suspect squatting, is it, like, a sitting on…like, squatting, leaning back, resting position? Or is it a squatting like he's about to pop up? Or what are your thoughts when you see him squatting down?

Romero: He appeared to be leaning in a squatting position with his center of his body weight kind of dropped and leaning back. He wasn't sitting. So, it appeared that he was just ready for, for…to fight or to, to arm himself with anything that was around him.

Guillen: And, and you had mentioned when he was talking to MET or maybe it was prior to talking to MET, you…your concern was…or at least before the door opened at some point, your concern was that he armed himself with a broom stick. Did he say that? I thought I heard you say that, but I was a little confused.

Romero: He…from what I could hear from when he was speaking to MET, he did mention that he's grabbing stuff from inside and he has a broom stick.

Guillen: So, he did say that…

Romero: Yes.

Guillen: …verbally? And then he had mentioned something about a [redacted] is what you said?

Romero: Correct.

Guillen: What, what were your…did you have any concerns or did anyone voice concerns about that?

Romero: At that point, he was speaking with…I think he mentioned that to the field sergeant, I didn't hear him directly. However, he did mention that to…I believe the MET Team Unit had told us and also the field sergeant.

Guillen: And, and did they give you any, like, [redacted] explanation of what that means?

Romero: No.

Guillen: You just knew it was a [redacted] of some sort?

Romero: Correct.

Guillen: And then when the door does open and he goes from squatting to standing, can you…I, I feel like…maybe I just missed it, but I feel like there was something in between. When did you see him go from squatting to standing?

Romero: At the point where I remember he…Deputy [redacted] reaches in for him.

Guillen: Uh-huh (AFFIRMATIVE).

Romero: He goes from squatting to when he starts swinging his arms, he kind of, like, stands up a little bit. But he keeps at all times dropping his weight back towards, towards the back of the closet.

Guillen: So, he didn't necessarily stand straight up? He was…Dep…Deputy [redacted] reached in and grabbed his…I believe you said his right arm?

Romero: His left arm.

Guillen: His left arm, okay. So…and as he pulls to pull him out, the suspect leans back and rests his weight towards his butt again…

Romero: Correct.

Guillen: …and leaned…and leaning against the wall?

Romero: Correct.

Guillen: And then at any point did he stand straight up?

Romero: When he…I remember seeing him when he gets hit with the 40-millimeter.

Guillen: Uh-huh (AFFIRMATIVE).

Romero: When I heard him say, "You shot me. You shot me," it appeared that…based on what I could see from his robe, that he stand…standing upright.

Guillen: Do you…what you could see from his robes, you didn't have a clear view of him?

Romero: Right.

Guillen: So, you believe he stood straight up based on the way you could see his robe?

Romero: Correct.

Guillen: And what did you see as far as his robe?

Romero: Just the left side of his body.

Guillen: Uh-huh (AFFIRMATIVE).

Romero: His left sleeve essentially.

Guillen: (UNINTELLIGIBLE). I can't read my own writing. Yeah, that was all I have.

Perry: I think it says, "No further questions."

Guillen: Yeah.

Perry: I could be wrong. It's…

McKelvy: Well, we have a little time. We got to call you back in. So, did you guys have a debrief?

Romero: We had a debrief, but it was very, very quick.

McKelvy: What did you discuss?

Romero: If everybody was okay, first of all.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: If anybody was injured. But I remember there was people yelling from the apartment complex.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: I don't know if they were anybody that saw it or I believe it was the, the suspect's [redacted].

McKelvy: Where, where were you guys standing when this was occurring?

Romero: On the sidewalk at this point. On the north sidewalk of Whittier Boulevard.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: She was yelling, and we just took off.

McKelvy: All right. And did you report the force that you used and the force that you witnessed to anyone?

Romero: Yes, ma'am.

McKelvy: Who did you report that to?

Romero: Sergeant Alvarez.

McKelvy: And when did you do that?

Romero: Immediately after the incident.

McKelvy: All right. Well, that's all I have. Unless, Mr. Perry, do you have anything?

Perry: Nope, we're good. Thank you.

McKelvy: All right. We're going off record at 1220 hours.

IAB CASE NUMBER FO2570670

FORCE REVIEW

JAIME ROMERO

McKelvy: We're on the record. Today is August 18th, 2023 at time at 09:01. My name is Sergeant Ermina McKelvy and with me is Sergeant Marlon Johnson. We are conducting a follow-up interview for an involved employee on case number FO2570670. Being interviewed is Deputy Jaime Romero. Go ahead and state and spell your last name for the record.

Romero: Jaime, J-A-I-M-E. Last name Romero, R-O-M-E-R-O.

McKelvy: Representing Deputy Romero is Attorney Russell Perry.

Perry: Yes. Russell. R-U-S-S-E-L-L, P-E-R-R-Y. Thank you.

McKelvy: Thank you. For voice recognition, Sergeant Johnson?

Johnson: Johnson. Last name J-O-H-N-S-O-N.

McKelvy: Then just to remind you, Deputy Romero, I did bring a copy of your Administrative Rights form that you signed on July 13th, 2023, just to let you know that your rights and your responsibilities that you signed on here are in effect on this interview as well. Do you understand?

Romero: Yes, ma'am.

McKelvy: Okay.

Perry: Same with the order to give a statement.

McKelvy: And the order to give a statement. Correct.

Romero: Okay.

McKelvy: Okay. Prior to going on the record, I provided you an opportunity to review video surveillance related to this incident that is labeled “Hallway Camera Video”, and also some time for you and your attorney to discuss what's seen on the video. Based on what you saw on the video, Deputy Romero, and reviewing your first report, is there anything that you see that you think you need to clarify?

Romero: Yes ma'am.

McKelvy: What is that?

Romero: Well, after watching the video, it appears that I strike the suspect, while he's in the threshold of the door, approximately four to six more times. What I do remember is grabbing onto his head and redirecting his line of sight. Watching the video, I think that's happening simultaneously when the taser's being fired, because I do see a light flickering. When I wrote my report, I wasn't able to fully review my bodycam, because it got knocked off, so I wrote it to the best of my recollection. I remember punching him once. I'm not entirely sure if all the other punches did land, but it does appear that I do strike him several more times.

McKelvy: When you were writing your report, of course your body-worn camera footage is not going to capture a lot of things, just because of the angle and you're the one that's involved in the force. When you were there, involved in the attempt to control the suspect, you articulated a reason why you felt the necessity to strike the suspect, right?

Romero: Correct.

McKelvy: After you guys were able to restrain him and you saw his injuries, thinking about his injuries and then you're writing your report, you didn't think that it was going to match up? Like, two strikes, you wrote, I think two and one.

Romero: Correct.

McKelvy: And then you saw his injuries. Is that consistent? Would his injuries be consistent with three strikes as his injuries revealed?

Romero: I don't know, ma'am. I know that I was punching hard in attempt to gain compliance from the suspect, so I do believe that I was punching him hard. His injuries, it could be consistent with several punches, yes.

McKelvy: Or three strikes?

Romero: Maybe. Maybe not.

McKelvy: What's your dominant hand?

Romero: My right hand.

McKelvy: Your right hand. And you shoot with your right hand as well?

Romero: I do.

McKelvy: The strikes before you guys crossed the threshold, you were using your left hand then, correct?

Romero: Correct.

McKelvy: Then, when you came, when the bodies and all of you guys went over the threshold and was in the hallway, you were striking them with your left hand again?

Romero: My left. Correct.

McKelvy: I noticed that you had on a pair of gloves.

Romero: Yes.

McKelvy: What type of gloves are those?

Romero: Latex gloves.

McKelvy: Latex?

Romero: Yes, ma'am.

McKelvy: You carry those with you all times or, when do you choose to put those on?

Romero: If we're going to make contact with a suspect and time permits, I usually put on latex gloves.

McKelvy: Okay.

Johnson: Do you train in a self-defense outside of work?

Romero: I used to box, sir.

Johnson: Used to box.

Romero: Yes, sir.

Johnson: How many years?

Romero: Consistently, not consistent. Just at home.

Johnson: How long would you estimate you were involved in the sport?

Romero: Since I started with the department in 2007.

Johnson: When's the last time you were active?

Romero: I would say a little over a year ago.

Johnson: Okay.

McKelvy: Alright. We saw before you crossed the threshold, approximately four to six strikes there?

Romero: Correct.

McKelvy: In your report, you wrote how many?

Romero: I put one.

McKelvy: One. Okay. Then when you crossed over the threshold, we saw how many more strikes?

Romero: Two, when he was on the ground.

McKelvy: Two. Okay, when he was on the ground. All right, let me go ahead and back it up because I saw differently. All right, so we'll go back to, no, we'll go back more, I think. Yeah, we'll go back more. Let's see. I am going to put the marker on the time. Okay, that set marker is 0:54. At 54 seconds into the hallway video, we see the strikes. You're standing inside the office right at the threshold, right?

Romero: Correct.

McKelvy: This is you here. Okay. Then there, marker, approximately 01:02. There's additional strikes there. One, two, three. There. Okay. Okay. That's approximately at 01:50. There's what, additional, go back. That was right there, right? I saw at least one more. Let me go back.

Romero: I don't think I punched him.

McKelvy: Right there?

Romero: Yes.

McKelvy: Alright. Approximately eight total, from what we can see on this camera. There was actually another angle from I think it's Deputy Ruiz's camera. Check from Ruiz's camera inside that's not captured on this hallway, hallway camera. I think I have it in here. Oh, I didn't bring it. I don't think I'll put it in here. I think that's the one that, if anything, where you say you don't think it landed, that would be the one that I would say I would agree with [inaudible]. Let me see.

Recording: Step out. Step out. Take him down. Stop fighting. Stop resisting. Stop fighting. Stop fighting. Stop fighting. Stop resisting. Hey you guys need 902R?

McKelvy: This is you here, right?

Romero: Right.

Recording: Stop fighting. Stop resisting.

McKelvy: Right there. Did you see that?

Romero: Yes.

McKelvy: This is at the, let me see what marker that is.

Recording: Stop fighting. Stop resisting. Hey you guys need 902R? Stop fighting. Stop resisting.

McKelvy: [inaudible] mark. That was you over there. Did you see it?

Romero: Correct.

McKelvy: That's not articulated in there either.

Romero: That's, yes, ma'am. That's when I grabbed the back of his hair.

McKelvy: Okay.

Romero: And I punched him on the right side of his face.

McKelvy: That's the one that you articulated in your report that you used your right, your left hand to hold his head.

Romero: Correct.

McKelvy: And your right hand to do the strikes.

Romero: Correct.

McKelvy: But the one from the hallway camera, with your left hand, that's a different time.

Romero: Right.

McKelvy: That's not in your report.

Romero: No, ma'am.

McKelvy: Okay.

Romero: The reason I really don't remember it because I didn't have my proper footing, so I remember being wedged into the doorframe.

McKelvy: Are you talking about on this Ruiz camera angle that I'm showing you now?

Romero: Right.

McKelvy: Okay.

Romero: Because then from here I remember stepping over.

McKelvy: Yes.

Recording: Stop fighting. [inaudible].

McKelvy: [inaudible]. Yeah, that's when, after then you did step over.

Romero: Right.

McKelvy: Right. Okay. Go ahead.

Johnson: How many deputies do we estimate are dealing with the suspect right now?

Romero: About six.

Johnson: Each of them, are they holding pretty much a limb on the suspect?

Romero: Yes. At this point-

Perry: If you're aware.

Romero: Yeah.

Perry: I mean, are you asking what he can see on video or what he was aware at the time or ...

Johnson: Right. What were you aware of at the time? Then also, after watching the video with your memory being refreshed.

Romero: Right.

Johnson: What was the necessity to use personal weapons at that time?

Romero: As soon as I heard my partner said that his taser was being fired, I believe that the suspect had the taser and was firing it. The reason I use personal weapons is to gain compliance and potentially have the suspect release the taser.

Johnson: Did you see the taser in the suspect's hand?

Romero: I didn't. I just heard it and I heard my partner saying, "He's going from my taser."

Johnson: Did you say anything to confirm if the suspect actually had the taser? Does he have, for example, "Does he have it now? Who's firing the taser?" Did you say anything like that?

Romero: No, sir. At that point, if my partner is saying he has my taser, I'm going to believe him.

Johnson: That's what you heard?

Romero: Yes, sir.

Johnson: "He has my taser." Okay.

McKelvy: Do you have anything else? Alright. We had the angle from Ruiz's camera, and then we had the angles from the hallway camera. You articulated already in your report what we saw in Ruiz's camera angle. That's when you grabbed him by the hair and pulled his hair back.

Romero: Correct.

McKelvy: And you punched him twice with your right hand, your right fist, right?

Romero: It was once. I don't think the other one landed.

McKelvy: Then, addressing what we saw in the hallway camera, you articulated ...

Romero: Several more punches, yes.

McKelvy: Yeah, with your left hand.

Romero: Yes, ma'am.

McKelvy: We counted a total total, until the incident ended, approximately seven or eight.

Romero: Correct.

McKelvy: From two different positions, right? Four from before you crossed the threshold, and then another three when you were on your knees.

Romero: Correct.

McKelvy: Alright. Then I think that's all I have. You just basically didn't, in your words, you're saying you didn't remember how many times you did it.

Romero: Correct, ma'am.

McKelvy: Do you have any-

Perry: Were you intentionally trying to keep, to conceal those other strikes from your report?

Romero: No, absolutely not. I'm aware that everybody has body cams and they're recording, and that there's hallway cameras. However, whenever my report, I didn't have the opportunity to review any of them, especially mine, which I think would've helped me write a more accurate report.

McKelvy: Why didn't you review your camera?

Romero: I did, but it gets knocked down immediately and everything's just dark.

McKelvy: Oh, right. Okay. Got it. Yeah, that's correct. Alright, well, with that we'll go ahead and end the interview at 09:16 hours.

I.A.B. #: FO2570670

WITNESS INTERVIEW

LIEUTENANT GEORGE ALVAREZ

McKelvy: We're on the record. Today is July 13th, 2023. The time is 1427 Hours. I am Sergeant Ermina McKelvy, M-C-K-E-L-V-Y, and with me is Sergeant Terrance Smith.

Smith: S-M-I-T-H.

McKelvy: We're both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's Office, which is in the City of Commerce, Interview Room A. This is a witness interview regarding a force investigation under Case Number FO2570670. This incident occurred on January 17th, 2023. Being interviewed today is Lieutenant George Alvarez. Sir, please state and spell your first and last name, along with your employee number.

Alvarez: My name is Lieutenant George Alvarez, the first name is G-E-O-R-G-E, last of Alvarez, A-L-V-A-R-E-Z, Employee Numbers [redacted]

McKelvy: And representing Lieutenant Alvarez today is Ms. Suzanna Harman. Ma'am, can you please state and spell your last name for the record?

Harman: Yeah, it's Suzanna Harman of Hayes, Ortega and Sanchez, Suzanna is S-U-Z-A-N-N-A, Harman, H-A-R-M-A-N, representing George Alvarez on behalf of the Professional Peace Officers Association.

McKelvy: Thank you. Lieutenant Alvarez, prior to going on record, I provided you with the Administrative Rights…Rights Force Shooting Investigation Form. Did you have an opportunity to read the form?

Alvarez: Yes.

McKelvy: Do you understand the form?

Alvarez: Yes.

McKelvy: And I do see that you checked "yes" and initialed the boxes stating that you do have the Policy and Ethics Chapter of the Manuel of Policy and Procedures, and you're familiar with its contents. Is that correct?

Alvarez: Yes.

McKelvy: Did you sign and date the form?

Alvarez: Yes.

McKelvy: Also, prior to going on record, after reading the Video Admonishment, I did provide you with the opportunity to review your body-worn camera footage, which depict the images of the incident that occurred on January 17th, 2023. Do you have any questions?

Alvarez: No.

McKelvy: All righty. So, Lieutenant Alvarez, can you please give me a brief history of your assignments while being employed by the LA County Sheriff's Department, starting with your academy class?

Alvarez: Sure. [redacted] I was starting my employment with the Sheriff's Department in 2006. My first assignment was [redacted]



McKelvy: And your current assignment is where?

Alvarez: The current assignment is NCCF as a Line Watch Commander.

McKelvy: So, on January 17th, 2023, you were assigned to East LA Station, correct?

Alvarez: Yes, ma'am.

McKelvy: And what was your assignment that day?

Alvarez: I was the Field Supervisor.

McKelvy: What was your call sign?

Alvarez: Twenty-Sam (20S.)

McKelvy: Uh-huh (AFFIRMATIVE), and were you wearing a uniform…identify you as a member of the Sheriff's Department?

Alvarez: Yes.

McKelvy: So, there was call that arose at the address of [redacted] Whittier Boulevard, or there was something that happened that…that took our units to that address. Did you respond there?

Alvarez: I did.

McKelvy: Can you tell me how that came about?

Alvarez: Deputy, or Detective Zeas had utilized the patch, emergency channel and requested units to his location, so myself and additional units responded to that location.

McKelvy: What was the need for the response?

Alvarez: I believe it was regarding a 10851 suspect.

McKelvy: And what is that refer to?

Alvarez: A…a stolen…a person who had stolen a vehicle without the owner's consent.

McKelvy: Uh-huh (AFFIRMATIVE). And…in that call, was there a description of the suspect given?

Alvarez: Yes, I believe there was.

McKelvy: What was the description?

Alvarez: I don't remember exactly what he put out, but I…he was the…the male…male Black.

McKelvy: So, at that point, units are responding to the Whittier address. Was there a coordination being done over the radio?

Alvarez: Yes. So, Detective Zeas was directing units as units were arriving, they were setting up a containment around the…it's a building…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …looking on Whittier, so a containment was being established immediately.

McKelvy: Uh-huh (AFFIRMATIVE), and this is all being done over which frequency?

Alvarez: I believe it was over the patch.

McKelvy: Over the patch…based on…excuse me…based on what you were hearing for the containment at that point, did it seem like other areas are being covered…from the Supervisor's standpoint, did you see if that was proper radio traffic being transmitted?

Alvarez: Yes, everything seemed to be within policy.

McKelvy: And also, you responded to that location. Is that normal routine for you to respond to one of those type of calls?

Alvarez: Yes.

McKelvy: When you arrived there, what did you see?

Alvarez: I met with Detective Zeas on the street, just the north/south street, just north of Whittier Boulevard…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and he was standing at the opening of the entrance that leads to the underground…underground parking.

McKelvy: And when you got there, did he brief you further on what he was…what he was facing?

Alvarez: I believe, on or about that time, it was a known 10851 suspect…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …based on a call for service.

McKelvy: And was there any additional information from Zeas as far as his contact with this known suspect?

Alvarez: He said that…I believe he said he saw him…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and he…he pointed down to or indicated down to the garage. He…the…the suspect had gone to this underground garage parking lot there.

McKelvy: So, from your understanding, had he been with the suspect and the suspect ran from him, or he just had told you guys that he had an observation on where the suspect was?

Alvarez: I don't recall.

McKelvy: Uh-huh (AFFIRMATIVE). So, based on the information that Detective Zeas gave you, what was…what was the next course of action that you guys decide to take?

Alvarez: Well, based on my conversation with him, he was known suspect, a known felony suspect, based on our report taken, either that day or the day before. We were gonna take a person into custody and conduct an investigation.

McKelvy: Uh-huh (AFFIRMATIVE). So, at that point, what…how many other units were there when you arrived?

Alvarez: They were slowly filtering in, so I think, when…by the time I got there, there was at least three other units…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but, more came after.

McKelvy: And what was the last known location of the suspect once you arrived?

Alvarez: When…when I was outside on the street?

McKelvy: Right, when you were speaking with Detective Zeas, what was the last known location of the suspect?

Alvarez: We were on the north/south Street…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …he had indicated underneath the parking garage area…

McKelvy: So (talking over)…

Alvarez: …so the last known location was in the parking garage area.

McKelvy: So, what happened next? What did you do next?

Alvarez: We formed a team. It was myself, [redacted]…I think it's [redacted].

McKelvy: Uh-huh (AFFIRMATIVE). And what was the goal?

Alvarez: The goal was to make contact, safely make contact with the suspect, detain him, and then, start the investigation.

McKelvy: So it's you, [redacted], and…and was another deputy that (talking over)…

Alvarez: I believe it was [redacted]?

McKelvy: Who…who is that? I'm…I'm not (talking over)…

Alvarez: Short, female Hispanic, she was in here earlier…

McKelvy: Ruiz?

Alvarez: I think it was Ruiz. I'm sorry.

McKelvy: Ruiz? Okay, no worries (talking over)…

Alvarez: (Talking over)…

McKelvy: All right, so you, Ruiz, and [redacted] went in the parking structure to look for the suspect?

Alvarez: Yes.

McKelvy: Did you find him?

Alvarez: Yes.

McKelvy: Where was he?

Alvarez: He was located in…there's a stairwell inside a garage…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …that goes from a underground stairwell to a street-level area, but he was behind a door and we're on the other side of a door.

McKelvy: Could you see through the door?

Alvarez: Yes, it had a glass window.

McKelvy: Based on the call, at that point, when you guys are in the parking structure in the stairwell, were there any other resources that were requested for the call?

Alvarez: I know we had Aero. I don't know if they were requested, but they responded…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and I had other deputies on containment on the street level and then, Zeas…I think Zeas stayed behind to monitor the…the east/west, northern portion of the building.

McKelvy: Uh-huh (AFFIRMATIVE). So, you see the suspect…you said you can see him through this door in the small window…was…was he in the stairwell or was he another place…you guys were in the stairwell and he was somewhere else you could see him?

Alvarez: So, the…we were in the parking structure. The parking structure is where the cars park…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and then, adjoining that parking structure, there's a stairwell. It's a steel door with a rectangular glass window with the metal wires through it…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …he…we are on the area where the…where you can park and walk to the stairwell…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so kinda where the cars are at. He's inside the stairwell, looking back at us through a window…

McKelvy: Uh-huh (AFFIRMATIVE). What level were you guys on? Did…is…is the parking structure, does…does it go downward or you have to go upwards?

Alvarez: So, the parking structure, I believe it was only one level, one subterranean level, just be…one level below the street level…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and that's where we were at, and I don't…I don't believe it goes deeper than one level…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …below the grading.

McKelvy: So, after you see the suspect there, he sees you, what happened next?

Alvarez: We tell him to open the door. It's like a…I don't know if he holds the door, it's a one-way door, but we told him to open the door and he doesn't comply.

McKelvy: What is…can you give me description of what the suspect looks like?

Alvarez: Light-skinned, male Black. He had a lot of hair…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …like…almost like afro, but it was like, down…it was up, it was down. He seemed very unkept and paranoid…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …like disheveled…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …looked like his shirt was possibly dirty. His…you know, his bottom garments were dirty and he was talking incoherently.

McKelvy: Uh-huh (AFFIRMATIVE). How tall is he?

Alvarez: I don't remember exactly.

McKelvy: And what about his stature?

Alvarez: He seemed well over 200 pounds in size.

McKelvy: Could you ascertain approximately, what his age was?

Alvarez: I would say, somewhere between 25 and 35 years old.

McKelvy: Uh-huh (AFFIRMATIVE). So, you ask him to open the door. He's saying something incoherently, then what happens?

Alvarez: We wait for more resources…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I want another deputies if we're gonna make contact in the stairwell, I wanna make sure we have more numbers on our side. During this process and radio traffic is intermittent, because we're below ground…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so it wasn't the best radio communication. During this process of trying to get more resources, he goes up the stairwell out…out of view.

McKelvy: Which frequency are you guys transmitting on (talking over) at this point…

Alvarez: We're still on…we're still on the dispatch, we're still on the patch.

McKelvy: Got it.

Alvarez: So, I'm trying to coordinate more resources, like I said, radio traffic's not the greatest, and then, we go…I go to…I told the deputies, wait to make contact and we go to make contact…they tell me, hey, he went upstairs…

McKelvy: Um.

Alvarez: …'cause it…it goes up, so…so now, he's somewhere ground level.

McKelvy: What happens next?

Alvarez: We go look for him at ground level, like it's an apartment complex, so we…we do a…an area search.

McKelvy: So, were you able to make entry to the…through the stairwell?

Alvarez: Yes, we went through the stairwell. We go up the stairs…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and that's where I meet some of the other deputies who were at ground level who had the containment.

McKelvy: When the suspect went up the stairway and out of view, did anyone put out any radio traffic to advise the other units that…where his whereabouts was last seen?

Alvarez: I don't specifically remember.

McKelvy: Anything (UNINTELLIGIBLE) ? Okay. All right, so you meet up with the…the other deputies that's on scene on the ground level. Are you guys outside at that point or inside the building?

Alvarez: This…it's a little bit of both. So, the stairwell goes to, like a center courtyard…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …which is…there's open space…open airspace, but it's surrounded by the building…

McKelvy: Got it.

Alvarez: …so it's not inside the building, but it's a courtyard area…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so, we…we meet in the courtyard area.

McKelvy: And what did you do while you were there?

Alvarez: We start to conduct a search to see if anyone had seen this, 'cause there are some people walking around, looking for where the suspect may have gone. We didn't know.

McKelvy: Now, at this point, the call came out from Detective Zeas…is that his last name?

Alvarez: Yes. Correct.

McKelvy: Is he, at that point, the handling unit on this…on this call, on this incident?

Alvarez: At this point, yes…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …it's my understanding, he's…he's handling up till this point.

McKelvy: And had he met with the informant?

Alvarez: It's…I don't remember if he did or not.

McKelvy: Uh-huh (AFFIRMATIVE). So, you and the majority of the deputies that were on scene met in that courtyard area, and then, went out looking for the suspect?

Alvarez: Correct.

McKelvy: What happens at…what happens next?

Alvarez: At some point, we're contacted by deputies that are contacted by somebody that works inside the building…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …stating that…something to the effect, like she can't open the door, like a closet…office supply closet door thing.

McKelvy: And who's…who's this…somebody's telling this to you?

Alvarez: He told…I believe he told my deputies first and the deputies relaying it to me.

McKelvy: So, it was a…an [redacted] of the…

Alvarez: Of the…

McKelvy: The building there?

Alvarez: Building there. I don't remember her name.

McKelvy: And, did you see her when she's having this conversation or is it somebody…something that they put over the radio to tell you to respond on?

Alvarez: No, it…I saw that [redacted] talk with the deputy.

McKelvy: And where were you when that happened?

Alvarez: I was somewhere between the courtyard and…and the interior of the building.

McKelvy: Uh-huh (AFFIRMATIVE), and she said that…in that office, she couldn't get in the closet?

Alvarez: Correct.

McKelvy: And what happened after that point?

Alvarez: It was my understanding that one of the deputies was gonna make contact with the informant and that…that…that kind of…around that time, it was my understanding that the handling deputies switched from Deputy Zeas to Deputy [redacted]

McKelvy: Got it.

Alvarez: …or…and his partner, I think it's in the report.

McKelvy: Do you remember who his partner was?

Alvarez: I think it was [redacted] I'm not sure.

McKelvy: Uh-huh (AFFIRMATIVE). So, they were the ones that was making contact with the informant?

Alvarez: That was my understanding.

McKelvy: So, [redacted] go to…to find the informant, to speak with the informant, and what are the rest of you doing?

Alvarez: I think we are now concentrating on this door, and they're asking her questions of…of the…is it always…is it locked or is it not locked, is this your office, is this not your office…

McKelvy: And that's…you asking someone back in the [redacted] that?

Alvarez: Yeah, I don't remember if it was me or one of the deputies…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but the [redacted] being asked the questions.

McKelvy: And then, was it a female?

Alvarez: It was a female…

McKelvy: Where was (talking over)…

Alvarez: …an Hispanic.

McKelvy: And what was she saying?

Alvarez: She said, it's…it's never locked…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and it's…it's highly unusual that the door would be closed.

McKelvy: What happened next?

Alvarez: At some point, the deputies tried to open the closet and it immediately pulls shut…

McKelvy: Um.

Alvarez: …so we know that there's a person inside.

McKelvy: So, do you know who…who it was that tried to open the door and it shut?

Alvarez: Initially, no.

McKelvy: Uh-huh (AFFIRMATIVE). So, the door did come open, so at that point, it did come open, 'cause it took a lot (talking over)…

Alvarez: I would say, ajar.

McKelvy: So, it…it opened…

Alvarez: Yes.

McKelvy: …ajar, to where it…did someone have the key to open it to make it come ajar?

Alvarez: I…I don't remember if there was a key or not.

McKelvy: But someone attempted to open it fully, and when they broke the seal of it being closed, it…some…something happened where it closed back shut?

Alvarez: Correct.

McKelvy: And did you witness this?

Alvarez: I don't know if I witnessed the first time that they opened it…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but I did witness it…them…them pulling on it and then, it'd be closed, so I can't say I saw the first attempt.

McKelvy: And where is this office?

Alvarez: This is on the south side of the property…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …that abuts Whittier Boulevard, just West of the main entrance into that building.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: It's the second office to the left if you go through the front door…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and you make a left, it's like an office on the left.

McKelvy: Can you describe the office for me?

Alvarez: Yeah, I would say, it's a 10 by 10, fully furnished with bookshelves, a computer desk, smaller shelves…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and, like a…a closet door, a regular, standard frame door.

McKelvy: Any windows?

Alvarez: I think there was a window in that room, at least one.

McKelvy: Where was the window?

Alvarez: I believe it faced south towards Whittier Boulevard.

McKelvy: Uh-huh (AFFIRMATIVE). Was the window near the closet door of the closet?

Alvarez: I can't remember if it was close to the door or how far away from the door it was.

McKelvy: Opposite the…the door leading into the office?

Alvarez: Yes.

McKelvy: Just the opposite side?

Alvarez: Yes.

McKelvy: So, at…at the point where the [redacted] is saying that this closet door is locked, one of the deputies go over to…to open the door and…and it went ajar a little bit…had…had [redacted] or [redacted] returned or gave…given additional information in regards to the suspect after speaking with the informant?

Alvarez: Had they come back yet?

McKelvy: Either come back or transmitted any information over the radio based on additional information they got from the informant regarding the suspect?

Alvarez: At…at some point, it was…it was provided to myself and other deputies.

McKelvy: So, at the point where we're at this door and a closet, and deputies try to open it and it closes back, what's the thought process of…what's…what's the consensus that you guys are thinking at that point, about this closet and the closet door?

Alvarez: I can't speak for the deputies…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …only my…my own mind…well, my mindset's two-fold, one, who's in the closet, and two, is…it's probably related to my incident, but I can't discount it's another issue and we need to fully flush out the initial call…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and then, deal with this thing as well.

McKelvy: Got it. So, it could've been related or not?

Alvarez: Correct.

McKelvy: Then, you wanted to handle the first situation first?

Alvarez: I'm…I'm trying…I'm handling two situations at once…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …until I can either converge or diverge it over (talking over)…

McKelvy: Right, right. What happens next?

Alvarez: At some point, [redacted] tells me that the [redacted] had filed a missing person…a stolen vehicle report, named the [redacted] and [redacted] had initiated another call, which brought us to the…the building for this incident…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so [redacted] was the informant on both, and [redacted] with her at times…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so…

McKelvy: Do…do you know why Detective Zeas was there?

Alvarez: I don't know how he got there. I don't know what…how this all kicked off, other than him getting on the patch.

McKelvy: Um. So, the two calls you were made aware of that were initiated by this informant who's the [redacted] of the suspect…

Alvarez: Yeah.

McKelvy: …the first one was what?

Alvarez: It was my understanding that the call was just a call for service…is…is a stolen vehicle.

McKelvy: To…to…to report the first…the…to report that the car was stolen?

Alvarez: Correct.

McKelvy: And then, now, there's another call that happened the day that this incident occurred…

Alvarez: Yes.

McKelvy: …and it was the same person related to the stolen vehicle?

Alvarez: Yes. That was my understanding.

McKelvy: Anything else at that point that you were made aware of with the informant, related to the suspect?

Alvarez: That there…that his [redacted] inside…

McKelvy: Uh-huh (AFFIRMATIVE). So, what happened next?

Alvarez: Deputies start to make verbal contact with the person inside and discovered that it's the same person who stole it, so now, I know I have one cohesive incident.

McKelvy: Now, how did…how did that come about?

Alvarez: If it was a verbal exchange where they're asking him questions and he makes himself known, that he was either downstairs earlier, I…and I don't think I was part of the initial exchange…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but the deputies provide me the information that they're related. He was the guy in the parking lot and he was the guy in the call. He…he's the guy with the stolen vehicle.

McKelvy: Got it. So, armed with that information, what steps were taken next?

Alvarez: Well, I…I wanted the deputies to talk with him first to see if we can use DeVRT…de-escalation, just to get him to come out…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and I…at this point now that Deputy [redacted] is in charge, I let him initiate contact, and he spends…

McKelvy: All right, and (talking over)…

Alvarez: …a lot of time talking to him.

McKelvy: So, at that point, how many people were talking to this guy in the closet?

Alvarez: At least, three deputies that I know of, made attempts to converse with this person, from my…East LA.

McKelvy: From East LA?

Alvarez: Yes.

McKelvy: And you…you…you make note, you said, from East LA?

Alvarez: Yes.

McKelvy: Did someone else speak to…to the suspect…

Alvarez: Yes.

McKelvy: …that was not from East LA? Who was it?

Alvarez: Jay…I…I requested the MET Team…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …to…to respond.

McKelvy: Why did you request MET?

Alvarez: Based on his initial appearance, deputy information saying he was [redacted].

McKelvy: Oh, we didn't discuss that. When did that come out?

Alvarez: During…while deputies are talking with him, I also talked with [redacted], and he let that information…he provided the information to the entire group that this person [redacted] …according to [redacted] stated at first…has [redacted].

McKelvy: Got it.

Alvarez: So, I wanted to bring them in as another opportunity or tool to de-escalate…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and diffuse the situation.

McKelvy: All right, so MET…so they…then, so MET was…what does it stand for, please?

Alvarez: A Mental Evaluation Team.

McKelvy: So, you requested they respond and were they able to respond?

Alvarez: They did.

McKelvy: What happened with…with their efforts?

Alvarez: I think they were (UNINTELLIGIBLE)…for 10 or 15…I…at first, when they got there, I briefed them what we have…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …a known felony suspect [redacted] positively [redacted] identified him. Prior to MET though, [redacted] …we actually brought even [redacted] in…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …to talk with the [redacted] to see if he can come out as a divert…de-escalation tool to bring it to a safe conclusion…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …[redacted] was unsuccessful.

McKelvy: When you…when the [redacted] was there speaking with the suspect, were you in the room?

Alvarez: I believe I was in the room.

McKelvy: Could you hear what the suspect was saying, if anything?

Alvarez: I can't remember exactly what he was saying, but it didn't seem very logical or consistent.

McKelvy: Uh-huh (AFFIRMATIVE). Just based on him speaking and the deputies, and the [redacted] speaking with the suspect through the door, what was your perception as his demeanor at that time?

Alvarez: I…I felt like he was going through a [redacted]…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …based on my training experience and that he needed immediate help.

McKelvy: Uh-huh (AFFIRMATIVE). Did the [redacted] inform you what was inside the closet?

Alvarez: I…I asked, and she…I think she referenced it as, like office supplies…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but I don't think she…that she got into specifics.

McKelvy: All right, so you said that you were thinking at that point that the suspect would be…is…could be going through a mental health crisis.

Alvarez: Correct.

McKelvy: What were some other things that is going through your mind as you're accessing the situation at that point?

Alvarez: Well, I was going through what I normally go through in a tactical situation. I wanna make sure that Aero was above and they said it looked secured. There was no…and I…there was no exterior exit to go from that room, outside, so Aero had completed their job and we checked that. I know that the deputies were already starting to DeVRT attempts to de-escalate, so I made sure we started that, and that we're all recording. I wanted to make sure that…I also called MET and wanted them to respond Code-3, cause we had time on our side, and I wanted then, to use their skills, training, and experience to see if they can de-escalate the situation and come out.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: I…I wanted to use every opportunity, including [redacted] to see if [redacted] come in…see if they can de-escalate and diffuse the situation.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: I staged the…the…I called for 902R…had Fire staged 30 feet away…very adjacent, like yelling distance away from the room in case anything medically came up for us, and especially, to have him medically evaluated treated. If nothing at all, there's no force called, just for the…the suspect himself.

McKelvy: And you mentioned that…that LA County Fire is 30 feet away. Were they…in…could they see what was happening inside the room from where they were?

Alvarez: I had ordered them out, but even on video, you see me, like motioning…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I think, later on, I discovered that they were in the adjacent room, so they saw, like him get…I…I forgot what they said, but I think they may have saw or heard something…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …but I don't remember my notes from that interview.

McKelvy: Uh-huh (AFFIRMATIVE). So, you have Fire, you got MET, and I didn't know, 'cause you say you had time on your side, so at this point, the [redacted]

had tried and now, MET's there. What's going on…on with the…with the MET Unit while they're speaking with him?

Alvarez: I asked them to do their thing…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …whatever that might be. I…there was a no hurry. They did their assessment talking and at some point, the…the deputies had…we'd done what we could. He's have a…he appears to have some [redacted] and they had general concerns for his health.

McKelvy: MET…the MET Team did?

Alvarez: Correct.

McKelvy: All right, so…all right, got that part, so did the [redacted] indicate whether or not the suspect had taken his [redacted]?

Alvarez: I believe she told the deputy, [redacted].

McKelvy: [redacted]?

Alvarez: I don't recall.

McKelvy: How long did…from the…the time that you guys identified that the suspect…that that was the suspect, the one you were looking for…he was in the closet until the MET Team said that they'd done all that they could do…how much time passed in that space?

Alvarez: That's difficult to guess.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: 20 to 40 minutes, I…

McKelvy: That's good.

Alvarez: …I…I think it couldn't give you the exact time.

McKelvy: Uh-huh (AFFIRMATIVE). No, we don't need that…estimate's good, so 20 to 40 minutes. That's a pretty significant time, so at that point, what was your next course of action?

Alvarez: MET said they exhausted their efforts…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …we still had the felony suspect who stated he had a [redacted] said he wasn't [redacted]. He was talking incoherently. It was unknown what was in the…it was unknown, his immediate health…if he was a danger to himself or others. There was a lot of concerns, so at some point, we…we knew we had to remove him from the interior of the closet.

McKelvy: When did you become aware that the suspect had [redacted]?

Alvarez: I think he had told me on camera that he was having a [redacted]

McKelvy: [redacted], and was that before or after MET spoke with him?

Alvarez: I couldn't tell you if it was after…before…after.

McKelvy: So, what was your concern at this point?

Alvarez: There's a lot of [redacted]…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: There's a lot of…they have [redacted] on the plate, we have [redacted] on the plate, we have unknown status of what he's doing or what he has going on with them…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: There's…there's some significant concerns, and the lady that…that [redacted] said he did not belong in that office too…

McKelvy: Uh-huh (AFFIRMATIVE). Uh-huh (AFFIRMATIVE).

Alvarez: …and he had no plan in the MET, so he had no plan of when he was ever gonna leave at all, and he's a wanted felony suspect.

McKelvy: So, at this point, are you considering the situation as a barricaded suspect situation?

Alvarez: No…consider it…is like a MET…[redacted].

McKelvy: [redacted], okay. All right, so what is it that you planned on doing at that point, since you were considering this a [redacted]?

Alvarez: Removing him from the closet, and at some point, we need to get the door open.

McKelvy: Did you come up with a tactical plan of how to…how to do that?

Alvarez: I did. I had (talking over)…

McKelvy: Tell me about that plan.

Alvarez: I had…I had…I assigned the 40-millimeter to one of the deputies, [redacted] had a taser, Romero and [redacted], we were hands-on, and [redacted] was gonna open the door and Ruiz was gonna be the radio.

McKelvy: Uh-huh (AFFIRMATIVE). Now that everybody had their assignments, what was the plan of action?

Alvarez: It was just gonna…step-by-step, number one, open the door…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and then, number two, when it was safe, make physical contact, grab the hands and place the…place the handcuffs and escort him to the Fire.

McKelvy: And was there a contingency plan if your plan didn't go as you…you desired it to go (talking over)…

Alvarez: Well, we talked about the use of a less lethal weapons. It's gonna be at my direction, or if emergent issues came up, that were too fast for me to order. We talked about control holds. We talked…it was important to grab the hands. We had cleared a lot of like…there's like a space chair and something else we had cleared out…out of the office…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so we wouldn't bump into as many things as possible. We talked about using all the weapons we had available to bring the situation to a safe stop, so…

McKelvy: Uh-huh (AFFIRMATIVE). Now, I know that Detective Zeas, you, Deputy [redacted] and Deputy Ruiz, had seen the suspect at some point throughout that incident…

Alvarez: Correct.

McKelvy: …prior to getting the door open.

Alvarez: Right.

McKelvy: Did you or anyone else, either [redacted] or Ruiz, relay to [redacted] and Romero and [redacted], what you were dealing with as far as how this person…his statute and all that?

Alvarez: Yes. We had many…many off-camera conversations of the current state of the situation and what we were dealing with…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and why.

McKelvy: So, tell me what happened after everything was all set, like you know what you're gonna do, everybody knew their role? What was the next thing you did?

Alvarez: So, I…before I do any tactical operation, I always make one last attempt. Is there anything I can say or do to get you to come out? I try to make it…tell him it's a medical issue. He's obviously afraid of us, so I was trying to de-escalate the situation and say hey, it's a [redacted] to get you [redacted] help, it's all about [redacted].

McKelvy: Now, the suspect that's in…in this closet, is he engaging in a conversation with…with you or the deputies at this point? Is he making any threatening statements? Is he telling you…giving some demands or he wants to come out? Is there anything going on at that space?

Alvarez: I don't know if I'd call it conversations. There's a back-and-forth dialog. I think some of it was coherent. Some of it was just repeating questions over and over again, not without any regard to the answer that was provided to him. At one point, he said he did have a broom…a broomstick. I told him to put it down.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so there was concern of a weapon. So, I…I don't know, in the conversation, I think he was a little…his conversation was disjoining from the actions and what was going on all around him.

McKelvy: Uh-huh (AFFIRMATIVE). All right, so you tried to talk…tried to give it one last effort for him to come out peacefully and on his own accord. What happened at…with that?

Alvarez: He refused, and by his actions.

McKelvy: And what happened next?

Alvarez: I have [redacted] open the door…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and that takes significant effort. He had to put his boot on the wall and with his…all his might, pull backwards numerous times…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and eventually, get the door open.

McKelvy: So, at that point, we have [redacted] at the door. Where are the…where are the other deputies?

Alvarez: We're all within four foots…four-to-five-foot space…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …it's a very small room. Like I said, it's…I think, fully furnished for a room of that size and we're all kinda focused on…like concentrated at the door…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so we're all within reaching distance of each other, kinda combined.

McKelvy: So, where you were standing when the door opened, could you see the suspect?

Alvarez: Yeah, I saw parts of the suspect.

McKelvy: Uh-huh (AFFIRMATIVE), what did you see?

Alvarez: I can't recall exactly what I saw, but I knew he was…I saw that his body…his frame inside the door.

McKelvy: And could you see inside the closet?

Alvarez: I could not see it's in…complete, like contents, because of his obstructive view and I had deputies in front of me, but I saw some of the contents, or some of the stuff in there. I saw, like a broomstick as well.

McKelvy: You did see the broomstick?

Alvarez: Yeah.

McKelvy: And where was that?

Alvarez: It was by him…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …by…it's a really small area, so I think it was like…it was near his left side.

McKelvy: So, at that point when the door is opened…[redacted] gets the door open and you see the suspect, where are you standing in relationship to the opening of the door?

Alvarez: I am standing five…about five feet back from the door.

McKelvy: Are you getting…are you like, face…head on, or are you to the side of the door?

Alvarez: I'm slightly off to the side of the door…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …with the…an incomplete view of the its interior.

McKelvy: So, as you see the suspect in there, was there anything that…anything other than what you've already explained to me…now that you have a…a better view of what's going on inside that closet…was there any additional concerns that you had?

Alvarez: Absolutely, the times I couldn't see his hands…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …he had already talked about the broomstick…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and he was not compliant, and based on all those things…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I…I…I was worried he was armed.

McKelvy: Concern for the safety of the deputies?

Alvarez: Absolutely.

McKelvy: Did you feel like he was gonna harm himself?

Alvarez: At some possibility, yes.

McKelvy: Uh-huh (AFFIRMATIVE). So, with this addition of the formation, what was the next thing that you instructed your deputies to do?

Alvarez: I ordered the deployment of the 40-millimeter.

McKelvy: Uh-huh (AFFIRMATIVE), and that was [redacted]?

Alvarez: I think his name is [redacted], I don't recall exactly.

McKelvy: Were…were you or any of the deputies there once the door was opened, giving the suspect commands to come out of the…the closet?

Alvarez: When I gave my last admonishment to come out, or…

McKelvy: No, just once the door was opened, was there any orders given to the suspect as far as to have him…telling him to come out?

Alvarez: I…I believe so.

McKelvy: Uh-huh (AFFIRMATIVE), to give him another opportunity to come out on his own?

Alvarez: Yes.

McKelvy: And did he come out?

Alvarez: No.

McKelvy: When you ordered Deputy [redacted] to employ that…the 40-millimeter, was he prepared to do that?

Alvarez: Yes.

McKelvy: And, did he fire a round?

Alvarez: Yes.

McKelvy: What was the different…distance between that fire…the…that less lethal 40-millimeter and the suspect?

Alvarez: I would say, about, approximately, six feet.

McKelvy: Approximately, six…okay. One round at that time?

Alvarez: At that time, yes.

McKelvy: And how did it effect…affect the suspect?

Alvarez: I don't think it was effective.

McKelvy: Uh-huh (AFFIRMATIVE). Could you see where it hit…the round hit?

Alvarez: I think it was mid-torso.

McKelvy: What happened next?

Alvarez: He continued to be uncooperative and at times, I could not see his hands, so I ordered a second deployment of the 40.

McKelvy: Uh-huh (AFFIRMATIVE). What was the timeframe between the first and the second round going off?

Alvarez: Some span be…less than a minute.

McKelvy: Uh-huh (AFFIRMATIVE), and was that effective?

Alvarez: The second round?

McKelvy: Yes.

Alvarez: No.

McKelvy: At that point, what…what was in your mindset?

Alvarez: Well, we had built a contingency that if the 40 was not effective, we were transitioned…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so at that point, I was not gonna order any more 40 round to be deployed, so at that point, we were gonna try to apply control holds…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and we also…we also had a…the taser available. We talked about it to use when…when…when it was appropriate.

McKelvy: So, what did you do next?

Alvarez: At some point, I…I don't remember exactly, if we went to control holds first or taser, but we…at some point, we applied…tried to apply control holds to the person.

McKelvy: Uh-huh (AFFIRMATIVE). And who was applying the control holds?

Alvarez: [redacted] and Romero.

McKelvy: And how did they do that?

Alvarez: How did they do it?

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: They were…their goal, initially, was to reach for his hands…

McKelvy: Uh-huh (AFFIRMATIVE), and what happened when they do that?

Alvarez: They got kicked and punched at…

McKelvy: Um.

Alvarez: …I think…I think one of them took a kick and then, there was like, several punches towards…from my view, towards the deputies, so (talking over)…

McKelvy: (Talking over)…Was the suspect able to connect those punches to any deputy?

Alvarez: According to Romero, I think he took at least, one hit. I don't know if it was a punch or a kick, but he took at least, one hit.

McKelvy: All right, so…and the punch could've been…

Alvarez: Could've been a kick.

McKelvy: A kick. Okay, got it. At that time, was the suspect saying anything?

Alvarez: He was saying something, I don't remember what he was saying.

McKelvy: Did he have anything in his hands?

Alvarez: At one point, he had his cellphone at different points during the incident. I could not see his hands or what was directly behind him.

McKelvy: What was he doing with the cellphone?

Alvarez: He…he had it in his hand. I…I don't know what he was doing with the cellphone. He could've been recording, but (talking over)…

McKelvy: I mean, was it in a…in a…in a static position, or was he moving it around?

Alvarez: No, he was frantic with his hands and arms…

McKelvy: All right.

Alvarez: …so sometimes, his hands were visible, sometimes they were not…

McKelvy: Uh-huh (AFFIRMATIVE). And tell me about that…that broomstick. You said you saw it inside the…the closet with the suspect?

Alvarez: Correct.

McKelvy: Where was it?

Harman: He already answered that.

McKelvy: Can you repeat it?

Alvarez: I believe it was on…on his left side.

McKelvy: Did he ever have it in his hands?

Alvarez: From my vantage point, I know he had it near him. I can't recall if he had it in his hands or not (talking over)…

McKelvy: (Talking over)…and, within reach?

Alvarez: Within reach at all times.

McKelvy: And tell me about the taser deployment…employment.

Alvarez: I…we had talked about it during our tactical briefing. I know it was deployed, I just don't remember exactly when during the initial contact…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I know, [redacted] had come into view to use it, but I don't know how it was employed.

McKelvy: And…and was it used in the, quote, unquote, normal way with the prongs deploying out…employing out, or was it drive stun?

Alvarez: I can't recall.

McKelvy: So, did you hear the sound of the taser?

Alvarez: I did.

McKelvy: Was it at full cycle?

Alvarez: It sounded like a full cycle.

McKelvy: So, we…at one point, have the…one…one cycle of the taser?

Alvarez: I've heard at least, one cycle, yes.

McKelvy: And then, we had the deputies, [redacted] and Romero, attempting to use control holds on the suspect…

Alvarez: Yes.

McKelvy: …when he was fighting back with them?

Alvarez: Yes.

McKelvy: What happened next?

Alvarez: At some point, we get the suspect out of the closet area…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I think he says, like wait, wait, wait, okay, cool, put your hands behind…and then, he drops his weight, it was a ruse, and now, he's…he's unable to be controlled, but he's outside the closet though.

McKelvy: He's outside the closet and he drops his weight?

Alvarez: Right.

McKelvy: So, let me make sure I'm understanding what we're doing here…

Alvarez: Sure.

McKelvy: …we got the 40…

Alvarez: Yes.

McKelvy: …two rounds. We got control holds and we have…we have a taser. Anywhere in between those…those methods during the use of force…did you stop to re-access the situation?

Alvarez: I'm always re-accessing.

McKelvy: So, tell me when…can you articulate when you first…the first time you re-access what was going on?

Alvarez: Sure, I mean, the re-assessments at every step, so like…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …I do one last order to get out of the closet…I re-access, I go tactical, and then, we try…we use substantial amount of force and then, to open the door, give verbal commands, re-access. We want to go get him, and now, he's near a broomstick…I re-access, use the 40. Give it some time, less than a minute. He's still by that weapon he talked about earlier, I re-access. And then, go hands-on…I think, the taser is used at some point, re-access. Now, he…he's gonna give up. The deputies are like, great, you're gonna give up, cool, and then, now he's dropping his weight, now, there's another…a secondary issue, I'm re-accessing, you know, I give the command to go…so, there's a constant re-assessment throughout the process.

McKelvy: So, when the suspect comes out of the closet and then, he drops his weight, does his body go to the floor?

Alvarez: The…so, what I remember is he goes to like, a kneeling position, or like a standing…upright, standing position. It's like…almost like a kneeling…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …bending of the knees position.

McKelvy: And what was the deputies' response to what he…he did at that point?

Alvarez: These…they are struggling to get control of his arms. He's not giving up his arms and I ordered them to take him down.

McKelvy: So, you ordered a takedown. Was the takedown successful…

Alvarez: No.

McKelvy: …in getting him to the floor?

Alvarez: Not…not what I would deem successful.

McKelvy: How would you describe it?

Alvarez: A struggle…

McKelvy: Uh-huh (AFFIRMATIVE). What was the suspect doing?

Alvarez: He was making every effort to fight them, and the three or four deputies, and at one point…and it took…he almost overcame all four deputies. I literally had to take the 40 off of [redacted] and tell him, go help them, because he was overcoming all four their resistance.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: And I'm trying to say, is stop fighting, stop resisting.

McKelvy: And…and him, being able to, almost overcome the deputies that were there, what, exactly, was he doing?

Alvarez: He was almost like…when we're taking him on the ground…almost like pushing up and going back to a fully standing position…that's (UNINTELLIGIBLE)…

McKelvy: Uh-huh (AFFIRMATIVE). Where were the deputies while he was resisting their efforts?

Alvarez: I think, [redacted] was on one side, [redacted] Romero was on the other side. [redacted], he was on the ground. I don't remember exactly where he was. I ordered [redacted] to go, hand me the weapon and then, go around, so eventually, he made his way to the right side of his body at some point…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so.

McKelvy: At what…at…at what point could you see that the suspect was fully on the floor and not on his knees?

Alvarez: After, they said, give me another handcuff, and then, I…I think they…they said something to indicate, like he was handcuffed or he's cuffed, something to that effect. That's when I knew he was fully on the ground. There's deputies, and then, it went from the interior to like, a door…a doorway, so it's even more confined.

McKelvy: And the area…are you referring to the doorway leading out of the office?

Alvarez: Correct.

McKelvy: Could you see who…where the suspect's hands were while he was on the floor?

Alvarez: No.

McKelvy: And where were you standing while they were struggling with the suspect on the floor?

Alvarez: I was standing inside the office, looking at…out to the door, hallway frame area…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …with deputies on top of him.

McKelvy: Uh-huh (AFFIRMATIVE). Could you see when the first handcuff was placed on the suspect?

Alvarez: No.

McKelvy: And what about the other hand…

Alvarez: No.

McKelvy: …did you see when that was placed? While the deputies were struggling on the floor with the suspect, were there any commands being given to the suspect on what you wanted him to do?

Alvarez: I don't remember, other than, stop fighting, stop resisting. I…I can't remember if deputies told him, give up your hands. I don't remember.

McKelvy: Now, the deputies there on…on the floor with the suspect, and you have Ruiz assigned to the radio…

Alvarez: Yes.

McKelvy: …are you still on the duplex patch or are you on another frequency?

Alvarez: I can't remember.

McKelvy: So, while you…when you guys first came there from the duplex activation from Zeas, and then, at some point, even just up to the de-escalation and (UNINTELLIGIBLE) cycle…40-minute timeframe…so were you guys still on duplex patch (talking over)…at that time?

Alvarez: I doubt it.

McKelvy: You could've switched over to another frequency (talking over)…

Alvarez: It seems likely.

McKelvy: But that frequency that, more than likely, switched over to your station, your Watch Commander and SCC, they all could hear what was going on, if something was transmitted…

Alvarez: If…if we put out that we needed, like assistance or something?

McKelvy: Well, just if any radio traffic was put out on that frequency while you guys are there, is…was that just direct for the people that were right there in close proximity, or was that something that's monitored by the Watch Commander at the station?

Alvarez: See, I don't remember what channel we're on, but we're usually on a channel where other people can hear us.

McKelvy: Uh-huh (AFFIRMATIVE). Do you know if radio traffic went out that the deputies were involved in a fight?

Alvarez: I don't remember how radio traffic…

McKelvy: How long do you think the deputies are on the floor, struggling with the suspect before he was…both hand are handcuffed and he was no longer being resistive?

Alvarez: It seemed like a long time, but I would say, less than three minutes.

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: I'd…I'd have to review the tape again to give you an exact timeframe.

McKelvy: Uh-huh (AFFIRMATIVE). So, at some point, you hear, give me another handcuff, right? And then, at some point, you're saying that both handcuffs were attached to the suspect's wrists?

Alvarez: Yeah, that's my understanding of it.

McKelvy: Was there…when you say that's what your understanding is, what do you mean by that?

Alvarez: I won't know until they slowly peel off, so after that, I know…like all right, let's get off of him…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …let's put him on a recovery position, let's do an assessment, so it's only until, like I get deputies to peel off of him and I can see the suspect handcuffed that I know he's fully handcuffed.

McKelvy: Uh-huh (AFFIRMATIVE). While they're on the floor with the suspect, were there…other than the control holds by the deputies that were there with the suspect on the floor, were there any other methods that were used to restrain the suspect?

Alvarez: To restrain, no, I was later told this on body camera, Deputy Romero, using personal weapons on the suspect.

McKelvy: We'll go back to that.

Alvarez: Okay.

McKelvy: Deputy Ruiz was assigned the radio?

Alvarez: Yes.

McKelvy: Was there any other instructions that you gave her during that incident?

Alvarez: No, she did a good job. I…I don't want play-by-play of what's going on…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …have deputies race in there and get somebody hurt.

McKelvy: Was the suspect hobbled at any time?

Alvarez: I think he was.

McKelvy: By whom?

Alvarez: I can't…I don't recall.

McKelvy: So, you didn't direct anybody to place the hobble?

Alvarez: I might have, but I just don't recall.

McKelvy: And, so after the suspect was no longer resistive and, you know, the deputies were disengaging one by one, you said that the suspect was placed in a recovery position?

Alvarez: Yes.

McKelvy: When the deputies were disengaging from the suspect, were you able to see the suspect and access his physical condition?

Alvarez: Yes.

McKelvy: Did you observe any injuries on the suspect at that time?

Alvarez: Yeah, he had a…a swollen, bloody eye.

McKelvy: Which eye was it?

Alvarez: I think it was his right, but I don't recall.

McKelvy: Uh-huh (AFFIRMATIVE), any other injuries you observed on the suspect?

Alvarez: None that were visibly apparent that I can remember.

McKelvy: Were any of the deputies injured?

Alvarez: No.

McKelvy: No one complained of pain or anything?

Alvarez: No, I asked them.

McKelvy: Uh-huh (AFFIRMATIVE). And how long did it take for Fire to be…well, first of all, let me ask, did any of the deputies render medical aid to the suspect?

Alvarez: No, they didn't have to, because once they put him in a recovery position, Fire was feet away…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …so I was gonna have Fire deal with the suspect…I didn't wanna delay any medical response.

McKelvy: So, after Fire medically treated the suspect, did he stay on scene there?

Alvarez: No, he was transported off scene.

McKelvy: Was there a debrief conducted?

Alvarez: Yes.

McKelvy: And what was discussed?

Alvarez: We talked about the tactics used…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …we talked about the challenges that we faced. We talked about the transitioning from weapon…special weapons to control holds and…and the challenges that we had…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …talked about how difficult it was being in a small room, getting the person out of a small room, those challenges, and then, we did…we talked about…I guess, I re-accessed the deputies, make sure they're not injured or hurt…

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: …and some of those things we need to do on the investigation side to proceed forward.

McKelvy: Where did the debrief take place?

Alvarez: I believe it was back in the office…in my office where the first (talking over)…

McKelvy: In the office where the force occurred?

Alvarez: I believe so.

McKelvy: And when did it occur?

Alvarez: I think, after Fire had transported.

McKelvy: Were there any…anything else that occurred on scene prior to you heading back to the station involving the incident?

Harman: Are you asking, after the conclusion of the debriefing or when the (talking over)…

McKelvy: More like, after the suspect was transported and before you left to go back to the station.

Alvarez: Did anything else happen?

McKelvy: Uh-huh (AFFIRMATIVE).

Alvarez: No.

McKelvy: You said that at some point, you learned…what…later on, you learned something and apparently, what you just told me…but in your report, you're saying that you later was informed that the victim was non-desirous of prosecution?

Alvarez: Correct.

McKelvy: Who told you that?

Alvarez: After the situation, I think, Detective Zeas told me that.

McKelvy: And, did that conversation occur at the scene or back at the station, or somewhere else?

Alvarez: At…at…it was after the use of force incident. I couldn't tell you at what point.

McKelvy: And so, Zeas told you that the victim is not desirous?

Alvarez: That's…that's what I remember, yeah.

McKelvy: Did he tell you when he became aware that she was not desirous?

Alvarez: I know what he…he alleged, he said…he told me earlier before, but then, I told him, I…I only write what I remember, so…

McKelvy: Uh-huh (AFFIRMATIVE). So, he's saying that he told you before the use of force occurred?

Alvarez: Correct.

McKelvy: Do you have anything?

Smith: (UNINTELLIGIBLE).

McKelvy: Go ahead.

Smith: I…just…just a few questions about…

Alvarez: Sure.

Smith: …let's start with the closet size, and you said it was a small room…

Alvarez: Right.

Smith: …and I'm gonna go over…I'm gonna guess, it's small…even a smaller closet. Do you remember the dimensions, like the depth, like how far it went back and…

Alvarez: I would…it seemed somewhere, less than four feet by five feet, like somewhat rectangular, and it also had supplies in it, which even encroach on the available space.

Smith: And was there a regular, you know, standard size door to get into the closet?

Alvarez: It seemed like a standard size door.

Smith: All right, and you said also, Fire was standing by in an adjacent room, you said?

Alvarez: They were feet away, so I don't know if they were…I know, I told them to leave the area, 'cause we're going to use of force. I don't know if they stayed in that immediate lobby area or they were just outside the doors.

Smith: And do you know if they saw the actual uses of force?

Alvarez: I don't remember. I interviewed them and I took notes, but I don't remember.

Smith: Did the suspect every threaten or state any threats to you before or after the use of force?

Alvarez: I know he talked about the use of the broom handle, or he had a broom handle…I know, I talked about the broom handle…

Smith: And he mentioned that to you? Did he say he was going to use it?

Alvarez: I believe he did. When, I couldn't tell you in…in the point of contact. I know, (UNINTELLIGIBLE) also debriefed me off camera, but he talked about the use of a broom handle.

Smith: And about how long did the MET Deputy and the social worker talk to…the clinician…talk to the suspect?

Alvarez: I would say, more than 10 or 15 minutes.

Smith: And, did they express to you why they stopped their conversation with him?

Alvarez: I don't specifically remember that…me, asking that question and them giving an answer to that.

Smith: That's all.

McKelvy: I think that's all I have, just looking over the report and my notes then, I want to make sure we clarify, and I think we've covered everything.

Alvarez: Perfect.

McKelvy: Yes. Do you have anything?

Harman: I don't. Do you have anything you wanna clarify or say?

Alvarez: No.

McKelvy: Well, with that, we'll go ahead and go off record at 13…I'm sorry, 1525 hours.

WITNESS INTERVIEW, Pt. 2:

LIEUTENANT GEORGE ALVAREZ

McKelvy: We are on the record. Today is August 18th, 2023. The time is 1411 hours. My name is Sergeant Ermina McKelvy, and with me is Sergeant Richard Cardenas. We're both assigned to the Los Angeles County Sheriff's, Internal Affairs office, which is under the command of Captain Ron Kopperud.

We are in the Captain's Conference Room at North County Correctional Facility, in the City of Castaic. This is a follow-up witness interview regarding a force investigation under FO2570670. This incident occurred on January 17th, 2023.

Being interview today is Lieutenant George Alvarez. Sir, please state and spell your first and last name for the record.

Alvarez: Sure. George Alvarez. First name is George, G-E-O-R-G-E. Last name is Alvarez, A-L-V-A-R-E-Z.

McKelvy: Representing Lieutenant Alvarez is Suzanna Harman. Can you please state and spell your first and last name for the record?

Harman: Yes. Suzanna Harman, S-U-Z-A-N-N-A, Harman, H-A-R-M-A-N.

McKelvy: And for voice recognition, Sergeant Cardenas?

Cardenas: Sergeant Richard Cardenas, C-A-R-D-E-N-A-S.

McKelvy: Okay. And, Lieutenant Alvarez, as I indicated prior to going on the record, you signed an Administrative Rights form on your previous interview and just be aware that those rights and responsibilities are in effect for this interview, as well.

Alvarez: Yes.

McKelvy: Okay. So, in the process of gathering additional evidence related to this use of force, you reviewed and collected video footage from the hallway of the location, where the incident occurred?

Alvarez: Yes.

McKelvy: Tell me what you saw during your review of that hallway camera footage.

Alvarez: I don't remember exactly what -- what I saw because it's been many months, but I know that, at some point, the camera faces the -- at least one of the -- I believe one of the cameras faces the office.

McKelvy: Uh-huh.

Alvarez: And you see, at some point, the suspect and deputies kind of spill near, by the threshold of the doorway, when they go down to the ground.

McKelvy: Uh-huh. Is that all you remember?

Alvarez: That's all I remember.

McKelvy: Okay. Okay. When you authored your report, did you author it before or after you reviewed the hallway camera footage?

Alvarez: I don't remember specifically but, historically, I review the footage and then write my reports.

McKelvy: Okay. So, based on what you remember from your own experience of the incident, and then reviewing the hallway camera footage that day, you wrote your report later the same day? Your supplemental report?

Alvarez: I can't say --

Harman: Yeah. That's not what he said.

McKelvy: So, that was the question at the end of my sentence. So, --

Alvarez: I -- I do not remember when I authored the report.

McKelvy: Okay.

Alvarez: But it was after I gathered the evidence.

McKelvy: All right. So, based on that, why didn't you articulate further about what you observed in the video from the hallway camera footage?

Alvarez: I -- I don't understand.

McKelvy: Uh-huh. So, what I'll do is I'm going to allow you to see the hallway camera footage.

Alvarez: Okay.

McKelvy: Off the record.

Alvarez: Okay.

McKelvy: And then we'll address the rest of the questions.

Alvarez: The question I have is why -- have I addressed what else I saw on the footage? But I would have to look at my report to see what I did or did not put in the report.

McKelvy: Okay. I have a copy of your report right here.

Alvarez: Okay.

McKelvy: But again, you indicated that you don't remember what you saw on the hallway camera footage, right now, because it's been so long?

Alvarez: Correct.

McKelvy: Okay. So, we'll go ahead and watch the video --

Alvarez: Okay.

McKelvy: -- so we can refresh your memory, and then you can review your report, and can kind of compare what you see in the video to what's in the report. Does that sound fair?

Alvarez: Sure.

McKelvy: All right. So, we're going to go ahead and go off record at 1424 hours. I'm sorry. 1415 hours.

(BREAK IN INTERVIEW TO REVIEW HALLWAY CAMERA FOOTAGE.)

McKelvy: We're back on the record at 1448 hours. We did go over -- we reviewed the hallway camera video. We reviewed vantage point from Deputy Ruiz. And also again from the then sergeant, now Lieutenant Alvarez' body-worn camera footage. Okay. So, before we went off the record, to review the video, I believe I asked you if there was something -- something in the report -- something that you didn't write in your initial report, that you could have seen after reviewing the hallway camera footage. I don't have my transcript of what I just said 10 minutes ago, so I can't verbatim.

Alvarez: I get it.

McKelvy: So, did you see anything, after looking at the videos, that you didn't write in the report?

Alvarez: I -- in write -- writing my report, it doesn't look like I covered like the witnesses very much, or the actions of the deputies.

McKelvy: Uh-huh.

Alvarez: It looks like -- this being a "special circumstances," it was handled differently but it looks like those things were not gone into very much detail, at all.

McKelvy: And tell me more about the "special circumstances" that you're referring to.

Alvarez: Sure. In this instance, I already knew it was going to be a Category 2, because it was very -- it was very obvious he had an injury. Visible injuries make it a Cat 2. Deputies use personal weapons, IAB notifications, towards his head, so I already knew that was already going to be a component. Typically, when I have a use of force, the use of force is a long review process for me. I take many weeks to months to report. I look at the videos numerous times. I look at their supps. I try to see what's missing, not missing. A lot of times, almost every single time, on a Cat 2, I bring in a second set of eyes to see if maybe I missed something, and then, at that point, I start filling in the blanks. So, if I miss something in my report, I'll be happy to write a supp or if he misses something in his report, I'll refresh the recollection with whatever evidence and I'll have him write a supp. And then -- or if it's egregious, then I'll bring it to the captain's issues and we'll process it administratively that way. But it's a long review process where I -- I have the time and day and resources to fill in all the missing things or if it's incomplete, and especially since there's countless spots within the 438 investigation and say what's missing or what's deficient? What could the person have addressed? And whether that's in a supp or it goes directly to the 438, where they missed this. So -- and, in this instance, it was found out, I believe, the same day, that it was going to be a Category 3. So, the ability to go back and watch videos and ask a lot of questions, knowing it was going to be IAB, that was out the window.

McKelvy: Uh-huh. Did you review any of the deputies' supplemental reports?

Alvarez: I believe I did. I don't know if I read them or not.

McKelvy: Uh-huh.

Alvarez: It was many months ago.

McKelvy: Yes. Okay. On your report, which sergeant signed off on that one?

Alvarez: Hoffman.

McKelvy: Okay. Sergeant Hoffman. Okay. I -- I believe that Sergeant Hoffman signed off on all of the supplemental reports, including yours.

Alvarez: Okay.

McKelvy: I was just wondering if you got a chance to read any of the deputies' reports prior to Sergeant Hoffman signing them off?

Alvarez: Typically, with the reports, they'll -- they'll tell me about it or show me, but this is a special circumstance, so I can't tell you if they did or not but, typically, they do show me the report and I look to make sure they have the right file number, and stuff like that.

McKelvy: Uh-huh.

Alvarez: But if Hoffman signed it off, it was his job to review it and go through it, and make sure it's complete as can be, but without the luxury of time and resources and stuff like that.

McKelvy: Uh-huh. Okay. So, you just acknowledged that you said you knew it was going to be a Category 2, based on the suspect's injuries?

Alvarez: Yes.

McKelvy: At the time, there at [redacted] Whittier.

Alvarez: Okay.

McKelvy: At the end of the force and did you see that the suspect had injuries, at that moment?

Alvarez: Yes.

McKelvy: Do you know how he sustained those injuries?

Alvarez: To the face?

McKelvy: Yes.

Alvarez: I believed it was from either -- I didn't know, but I believe, it was either from the punches or the con -- or the ground.

McKelvy: Okay.

Alvarez: I wasn't sure if he had contact with the ground, I mean, I know they were on top of him, on the ground.

McKelvy: Uh-huh.

Alvarez: But I wasn't sure if his face hit the ground or not.

McKelvy: Okay.

Alvarez: That was something else I was going to look into. Take time to look into further.

McKelvy: And you mentioned, you didn't know if it was from the punches or if his face hit the ground?

Alvarez: Correct.

McKelvy: In your report, you say, "You found out later that there was personal weapons used"?

Alvarez: Right.

McKelvy: So, at that moment, when you're -- when the suspect is being turned over, in the recovery position, is that when you noticed that he had the injuries?

Alvarez: Yes.

McKelvy: Okay. Right then and there, did you know that personal weapons, i.e., punches from Deputy Romero, had been used?

Alvarez: When we turned him over?

McKelvy: Yes.

Alvarez: No.

McKelvy: So, you did not see Deputy Romero strike the suspect several times?

Alvarez: I do not remember seeing him strike him.

McKelvy: Okay.

Alvarez: I remember him telling me, after the fact, or the debrief.

McKelvy: Uh-huh.

Alvarez: Because I wanted to see who used what.

McKelvy: Okay.

Alvarez: But, in my mind, in hindsight, trying to place myself back, seven, eight months ago, do I remember seeing him punch? No.

McKelvy: Okay. And just tell me, again, what you, as a supervisor, what you were faced with at the time, that this use of force occurred?

Alvarez: When we started the use of force?

McKelvy: When you actually were able to open the door and the deputies were making physical contact with the suspect.

Alvarez: The -- the setting was, we're in the – they refer to it as the projects, but it's a supplemental housing location, which there's been a lot of crimes in the area so I anticipated seeing people that we've already arrested in the area, one. Two, we had a [redacted] screaming in the background and it's very audible. She was pounding on the door and then she would -- she was running around and that was part of some of the communications of, "Hey, she left here. She's coming your way."

So, I was anticipating [redacted] coming from the direction, during this whole thing. That was another thing, too. Another concern I had, during the use of force and, I believe, it's heard on one of the body cameras is, "He's grabbing for my taser. He's grabbing something." So, I'm thinking, oh, crap, I hope he doesn't grab it and hurt -- start hurting the deputies, and there's a pile of deputies.

Another thing, on top of that is we went from a small room, now down to the threshold and there's a bunch of deputies. I can't even see the person anymore, and it's really hard to get ahold of him, and these deputies are struggling. On top of that, I'm concerned that my deputies are losing and then I have to take [redacted] 40 to send him around to help out, because that's how bad it is.

Another thing I was concerned about is if he is unable to -- if we're unable to handcuff him now, what are we going to do? Pepper spray was, you know, was going to be ruled out. Taser wasn't work. 40 wasn't work. Control holds wasn't work. We're quickly running out of options that are not lethal and my goal is to just get him in custody. I don't -- I don't want

to use lethal force on this guy and now we're slowly running out of options. That was a huge concern.

And another thing, too, I'm trying to tell myself constantly is double check your surroundings. I'm trying -- I'm trying to be cognizant of my environment -- and then, we've been there for a long time, so I know that some of the guys are fatigued, some of the guys were at the station, we were missing a lot of employees, so a lot of people were on back to back doubles, or they came off of a double and now they're working another double. So, there's the fatigue concern, too.

So, I had a lot of things going through my mind, and I'm the only supervisor in the field. And I'm also concerned about like who else is in the field? Like I'm praying that like there's not a "998" somewhere, that I'm gonna have to just stop what I'm doing here and went to the "998." So, there's numerous things that are going through my mind, at the time of this incident, that I'm trying to intelligently manage.

McKelvy: Uh-huh. Okay. So, leading up to you guys getting the suspect out of the closet, did you confirm with the [redacted] that she was desirous of prosecution for the [redacted] allegedly stealing her car the night before?

Alvarez: I don't specifically remember talking to the [redacted] about the crime. If she was still desirous of that.

McKelvy: Uh-huh.

Alvarez: No recollection. Normal process. No. I don't.

McKelvy: And I remember, in your previous interview, I alluded to whether you would categorize the suspect inside the closet as a barricaded suspect situation. And your response was, "No. At that point, it was a mental or medical rescue."

Alvarez: That was my feelings, at the time. Yes.

McKelvy: Okay. So, I'm wondering why is it that you chose the 40 as the first option if the suspect had a medical emergency that you were concerned about?

Alvarez: Good question. So, I was concerned that he had a medical condition/ concern, whether medical or mental, or a combination of medical and mental. However, that didn't preclude that he wasn't going to hurt my deputies. He had already talked about, in the closet, about the broomstick, with mental health, and he had talked about it with me. Now, I know, I was able, at some point, to get rid of the broomstick, but I didn't know if there were more broomsticks, and I know it was a supply closet so

I didn't know if he was going to start throwing like staplers and other stuff at me or the head of my deputies or not, who had nothing to protect themselves.

Another thing, too, based on his bizarre behavior, it didn't seem like he was compliant, even with [redacted] when we tried to bring [redacted] into deescalate it. So, it was clear that there was something significant going on and like -- and even though that wasn't my top concern was given his health safety and welfare checked, I still had to protect the deputies, at the end of the day, and I've seen [redacted] people, [redacted] injure my deputies, and not even being conscious of it. And that's one of my top priorities.

McKelvy: Okay. So, before we went back on the record, while we were doing Deputy [redacted]' vantage point, from her body-worn camera video footage?

Alvarez: Okay. Ruiz?

McKelvy: Ruiz.

Alvarez: Okay.

McKelvy: I don't know. I know that's probably somebody else's name.

Alvarez: I mix it up sometimes, too.

McKelvy: Ruiz.

Alvarez: I mix it up.

McKelvy: But there was a time where I asked you if you could see what the suspect was doing in the closet. Right? So, with the deputies going hands-on with the suspect, trying to get him out of the closet, there were -- were there times when you could not see what the suspect was doing inside the closet?

Alvarez: Yes.

McKelvy: Okay. Based on you not being able to see exactly what the suspect was doing, how were you -- how did you determine which method of force to direct the deputies to use?

Alvarez: So, in examining -- or examining and applying force, I know there's a constant reassess and continue. Based on everything that led up to this point, that I know he was highly agitated, and all the other factors that I

listed before, I knew that this was not -- this is going to be a high risk situation. So, based on the high risk, and not knowing what was in the closet, and his instability, I did not want deputies reach in and either get pulled in or get punched, and they still got pulled and punched, but we had the ability to use special weapons to, hopefully, stop the threat, change the behavior. And having used the 40 successfully, to stop the threat, and change the behavior, and then close the distance, so it kept injuries to the deputies at a minimum, especially as he reassessed, I didn't know what he had around him that he can grab and throw. So, based on when we finally got it opened and, at some points, he would disappear or partially disappear into like the darker spot, because the door is at one end of this rectangular space and there's a void that we couldn't see, so he partially disappeared, I felt that, based on all the high risk factors that I laid out, that was the most appropriate, especially having had directed it previously and been successful. And then, once we were able to change the behavior, then we can close the distance safely.

McKelvy: Uh-huh. Okay. Other than that one -- that one part of Deputy Ruiz' body-worn camera footage, where I see you to the right of the closet door.

Alvarez: So, the facing door to the right?

McKelvy: To the right? Yeah. To the right of the door, like going -- like if you were standing closer to the exit -- enter/exit door?

Alvarez: Okay.

McKelvy: And the deputies are right directly in front of the closet door, engaging the suspect.

Alvarez: Okay.

McKelvy: And that's when I was saying like, can you see what's going -- what the suspect is doing inside? Like for you to be able to direct appropriate force, based on the suspect's actions, you know, how the 48 suspect does this, we respond by doing that? The suspect does this. We respond by doing that. Do you know what I'm saying?

Alvarez: Okay.

McKelvy: So, there were times when you did not see what the suspect was doing in there. But you're saying you felt comfortable with what you were directing just based on the suspect's -- what led up to the suspect's -- what the suspect's actions were leading up to when you guys were able to open the door.

Alvarez: I felt comfortable, at the decision I made, once we opened the door, and his behaviors while the door was open. At times, my view was obscured, and I shifted positions constantly, throughout the video, like I don't think I stayed still very few minutes -- or seconds, at all. But I was constantly trying to reassess the entire environment, because I knew that, at some point, it was going to -- my view was going to be blocked, but had I just shifted it, I would have been able to see what's on the floor. Is it a rolling hazard, a tripping hazard? [redacted], I know, a lot of people will pour any type of liquid on the floor to create a slippery surface. Could I see that? So, throughout the entire continuum, I'm trying to constantly shift my body so that I can get every opportunity to see what's going on inside. But, yes, there were -- I felt comfortable with the decision once it was open, based on everything that was laid out before, and including his actions once it was open. But it was a constant reassessment though.

McKelvy: Okay. One quick question. You said you did observe the injuries to the suspect. On his face?

Alvarez: Yes.

McKelvy: Why didn't you write that in your report?

Alvarez: I don't know why I didn't write that in the report.

McKelvy: After looking at the body-worn camera footages, in its entirety, I heard the suspect saying that he had a cell phone and that he was recording.

Alvarez: Yes.

McKelvy: You heard him say that, as well?

Alvarez: Yes.

McKelvy: Did anybody search the closet or the suspect or the room to locate the suspect's cell phone?

Alvarez: I don't remember.

McKelvy: Do you know if anyone booked it? The cell phone? Or anything?

Alvarez: I would have to look at his booking package, to see if that was part of his property booked in.

McKelvy: You got anything?

Cardenas: Yeah. At the time you wrote this supplemental report,

Alvarez: Yes.

Cardenas: What was the goal in getting it completed? What was your ultimate purpose?

Alvarez: It was just to get the most germane facts and synopsis of the incident out as quickly as possible because, like I said, usually it's a long -- I have a lengthy time to review and catch it and have it be more thorough, but since I knew, at a later date, that it either a fracture, later time, that it was really important to get it in and that I'll just do the best I can to get in because I know it was important.

Cardenas: Did you know that there was going to be an additional investigation, taking a deeper dive into all of the facts of the case?

Alvarez: I assumed so, because that's how I run use of force investigations. And it is my understanding that this is just a use of force investigation handled by IAB, so I'm assuming you guys have a similar practice and protocols as we do in the field, that with the luxury of time and reviewing, you can find the gaps and see what's missing and what's not. That's how I typically run my investigations. So, even -- very human, making mistakes, and making errors, that's why I like to bring fresh set of eyes to these situations, because I do miss things and I do my best, but I have -- on top of this, I had other responsibilities for the day. I was still the field supervisor. I still have a ship to run. I still have to monitor my -- my subordinates out there, so I'm trying to time manage the best I could but, I know, I was trying to get the best product I could, given the allotment of time.

Cardenas: If I understand you correctly, are you saying that you -- you put what you could into this report, knowing that there was going to be a more thorough report coming? Especially an opportunity to explain more detail?

Alvarez: I would couch it similar to that statement. That my goal was to get as much thoroughness into the first report but, I know, that there's constraints, so I'm trying to juggle thoroughness with speed, with time management, with making sure my kids get -- my deputies get their reports in, with the other responsibilities that I'm physically responsible for, listening to the radio, so it's a juggling act and I'm trying to prioritize the best I can, but I know that there was going to be a deep drive into it, as in all use of force -- all use of force investigations, there's a deep dive.

McKelvy: And, I know, you mentioned it several times that you guys were at the location negotiating trying to get the suspect out of the closet for a long time. How long were you there?

Alvarez: I don't remember exactly, but from the time we were there, until the time we left, it seemed -- or felt like -- between one and two hours.

McKelvy: Uh-huh. And is it -- were you -- did you give people instructions that were not directly involved with the suspect, and the use of force instructions, to clear the area? Clear the hallway? Stay out of sight? Out of view? Any of those things?

Alvarez: Yes.

McKelvy: Did that occur?

Alvarez: No.

McKelvy: Okay. And when did you find out that they were possibly witnesses to the use of force?

Alvarez: I think it was hours later.

McKelvy: Uh-huh. And what did you do once you found out that information?

Alvarez: I interviewed them.

McKelvy: Uh-huh. And who -- and not, specifically, getting to each person's name, but which entity's did you have to interview people from?

Alvarez: LA County Fire.

McKelvy: LA County Fire? Okay. Anyone else?

Alvarez: That I remember? No.

McKelvy: Possibly personnel that lived and worked at the --

Alvarez: Yes.

McKelvy: Okay. And do feel like the interviews that you did, were they -- they were captured on audio or video?

Alvarez: Yes.

McKelvy: Okay. And do you feel like you got enough information to articulate what they saw or heard?

Alvarez: Yes.

McKelvy: Okay. So, based on just us going -- kind of like going over this whole scenario again, is there anything else that you think is important for us to have in our investigation?

Alvarez: No. I think we covered a lot of the investigation, and I know it's a long process that takes times.

McKelvy: Uh-huh. Anything else?

Cardenas: No, ma'am.

McKelvy: Ma'am?

Harman: Yeah. Just to clarify, the suspect's injury was noted in the report. Right?

Alvarez: I'd have to refer to my report.

McKelvy: You can show him where it is. Save us some time. (LAUGHS.)

Alvarez: Yes. It is noted in the report.

McKelvy: And what does it say? If you don't mind?

Alvarez: Page 4, top paragraph, "At approximately 1950 hours, I was informed by Sergeant Jimenez that according to the S/Matthews doctors at LCMC/USC, Suspect Matthew received an orbital fracture due to the use of force."

McKelvy: Uh-huh.

Alvarez: So, --

Cardenas: Would you consider that describing his injury or just giving it a title?

Alvarez: It couches it and just documenting. It's not descriptive, but it's documenting.

McKelvy: Uh-huh. So, other than you knowing that the doctor diagnosed the suspect's injury as an orbital fracture, prior to him being transported to the hospital, you observed that he had injuries?

Alvarez: Yes.

McKelvy: So, that's what I'm referring to. About where you saw his injuries and describing what you saw as his injuries.

Alvarez: Yes.

McKelvy: Okay. All right. Well, anything else?

Harman: That is it.

McKelvy: All right. We'll go ahead and go off record at 1512 hours.

Alvarez: All right.

IAB CASE # FO2570670

WITNESS INTERVIEW

GEORGE ALVAREZ

McKelvy: We're on the record. Today is October 6, 2023. I have the time at 1402 hours. My name is Sergeant Ermina McKelvy. With me is Sergeant Richard Cardenas. We are at the North County Correctional Facility in the captain's conference room to do a follow up with Lieutenant George Alvarez who is here now. For voice recognition, can you just go ahead and state and spell your first and last name?

Alvarez: Lieutenant George Alvarez. First name George. G-E-O-R-G-E. Last name Alvarez. A-L-V-A-R-E-Z.

McKelvy: And again, representing Lieutenant Alvarez, Suzanna Harman. For voice recognition, can you state and spell your last name?

Harman: Sure. Suzanna Harman. S-U-Z-A-N-N-A, H-A-R-M-A-N.

McKelvy: Thank you. And Sergeant Cardenas?

Cardenas: Sergeant Richard Cardenas. C-A-R-D-E-N-A-S.

McKelvy: Thank you. This is a follow up interview in regards to force number FO2570670. The incident occurred on January 17, 2023. Ok so, prior to going on record, I allowed Lieutenant Alvarez to review Deputy [redacted] body-worn camera footage from his encounter with the suspect initially in the garage area and it led to the stairwell area. Ok, so based on the video that you saw, my question is, when you guys were in the stairwell, did you consider that to be a foot pursuit?

Alvarez: At the time, I don't recall what I was thinking, at the time.

McKelvy: Um hmm (affirmative)

Alvarez: So, it's been a while and I don't even remember looking at the video at the time.

McKelvy: Yeah, you probably didn't. But in the moment when you're involved in that scenario there, when you were there on January 17, 2023, when you were in the stairwell with the deputies and the suspect, did you consider that to be a foot pursuit when you all ran, or went up the stairwell after the suspect?

Alvarez: At the time of the incident, I don't recall what I was thinking. Now, I would consi-, I could, I would access it, and make a determination now. But

then, I don't remember what my mindset was or what my thought process was.

McKelvy: Ok. Are you familiar with the foot pursuit policy?

Alvarez: I am.

McKelvy: So just, any other day, that you were being involved in that particular incident or those actions, knowing the foot pursuit policy, would you consider that to be a foot pursuit?

Alvarez: Today?

McKelvy: Yeah, in the scenario would be the same exact thing. if you saw that, if you were in it or if you saw it, would you consider that, those actions to be a foot pursuit?

Harman: And you're just talking about the footage we just watched. That portion?

McKelvy: Yes, that portion in the stairwell.

Alvarez: I would probably consider that a foot pursuit.

McKelvy: 'Cause I just want to make sure I'm clear if you know what the foot pursuit policy is.

Alvarez: I am familiar with the foot pursuit policy.

McKelvy: And then, so based on what you saw, you probably would consider that to be a foot pursuit?

Alvarez: Probably yes.

McKelvy: (Unintelligible) Ok is it a "probably" or is it a yes?

Alvarez: I mean, I would want to review a little bit more. And usually, I think I would want a little more time to access if it was but honestly it probably would be.

McKelvy: Um hmm (affirmative) So based on those thought processes, what would make you, what actions would make you say that it would have been a foot pursuit? From what you saw from the recollection of us showing the video, what ascertain to have been a foot pursuit?

Alvarez: I would probably talk with the deputy ensure, is he following to contain? Is he, making sure I have a clear understanding what the deputy's thought process was. I think I was at the back of the congo line of people. So, I would want to have that conversation with him and then, once I've had that conversation with him, and I review the factors, I would make the assessment.

McKelvy: Umhmm (affirmative)

Alvarez: So, is he chasing to apprehend or is he following to contain? I would just want to clarify that with him before I say yes, it is a foot pursuit or not.

McKelvy: Ok. And to your understanding of the parameters of what pursuit constitutes, what would you say it is? Like what would be all the elements that would make it, now this is considered a foot pursuit?

Alvarez: I couldn't recall all the parameters of it but I know it's any attempt by an individual to avoid apprehension/containment of a deputy sheriff who is actively making contact after a reasonable time would be, constitute a foot pursuit.

McKelvy: Ok. Do you have anything on that?

Cardenas: Would you consider the suspect to be running away from the deputies?

Alvarez: It appears that he is trying to leave the deputies.

Cardenas: Does it appear to you that he is trying to flee either apprehension or observation?

Alvarez: Yes

Cardenas: At that time, did you consider deputies to be following to apprehend the suspect?

Alvarez: I don't recall my mindset at the time, I can only base it like what I'm seeing now with my memory refreshed.

Cardenas: And at that time, would you have considered the deputies to be attempting to observe the suspect as he's running away?

Harman: Are you asking about his mindset at the time or how he sees it now?

Cardenas: At the time.

Harman: Ok.

Alvarez: I don't recall my mindset at the time. I know there were a lot of things going through my mind. It was more of a dynamic situation. I couldn't tell you. I can only make an assessment now based on the limited scope of watching one video, but I can't recall what I was thinking at the moment, ten months ago.

Cardenas: And the body-worn camera footage that we watched today, did you have that in your possession at the time you wrote your supervisor's review of force?

Alvarez: Go back to kinda what we talked about last time, I know that the incident happened, I think, in or around noonish and I think it was discovered

before the end of day that he had a broken orbital. I know given those parameters, I was given a limited amount of time to review it, to review it and I had, it was very different than a normal use of force where I didn't have an unlimited amount of time, and ability or resources so I felt if I had it, number one, I don't independently recollect if I watched the video and number two, overall, I know I did not have the normal amount of time to review all the videos, including my own, to get the best understanding of the situation before I had to submit a report.

Cardenas: And based on, like you said, that you learned the suspect had a broken orbital, as far as the investigation was concerned at that point, what did you know when the investigation was going to happen or turn into?

Alvarez: I know that I had to make IAB notifications. I know I had to let them know what the current status was, what the injuries were. I know there's a whole formal process I hadn't used in years before my last Cat 3 so…

Cardenas: And based on that, was it your understanding that your were going to be able to continue your investigation of this incident or were you going to have to stop investigating that incident.

Alvarez: I knew at some logical point, based my communications with the lieutenant with the handling sergeant, the investigation was going to come to an abrupt end, at some point. I don't know when but…

Cardenas: And you said you were at the back of that conga line, so to speak, as that suspect took off into the stairwell, were you able to see where the suspect, what his actions were?

Alvarez: Trying to recollect that day, I don't remember. It's a different story when you're talking about happened today when I don't have the benefit of having my memory refreshed with my body camera, if it was on or but, historically, typically, I usually give the deputies a lead because they have to make the first contact. And based on the video, we see there's sharp turns so it's not even clear through the video I watched if I would have had direct observation of the suspect's actions, based on historically how I operate.

Cardenas: So, you're saying, based on the information that you have today is only based on the information that you watched today not at the time?

Alvarez: What I'm providing?

Cardenas: Correct. I guess, let me rephrase that. So, …

McKelvy: And if you want, I definitely don't have a problem with showing you your body-worn camera footage of the same time period. That's not a problem.

Alvarez: Ok

McKelvy: I have access to that.

Cardenas: My question is then, are you saying you don't have a memory of what happened at that time, the only answers you'd be giving is because of what you'd be seeing today. What that be an accurate statement?

Alvarez: Yes. I don't have an independent recollection of what happened in that stairwell from January. My, it's, whatever is being refreshed is only what's being refreshed compartmentally today.

Cardenas: I understand.

McKelvy: From the body-worn camera footage.

Alvarez: From the body-worn camera footage.

McKelvy: In that video that I showed you, and I will show you yours..

Alvarez: Ok

McKelvy: There's a time when [redacted] is going up the stairwell, that I hear you say, "Slow and steady. Slow and steady." Did you hear that?

Alvarez: No, I don't remember hearing that in the video.

McKelvy: Yeah. Ok. So Imma show you yours, but for you to say, "Slow and steady", what actions were taking by giving those, making those statements? First of all, who were you talking to?

Alvarez: I don't recall making those statements.

McKelvy: Ok.

Alvarez: If I said it in the video, I'm ok with it. I that I've said that historically when we're going up, number one, when we're carrying equipment and number two, when we're going up stairwells or down stairwells 'cause I don't want people to trip and hurt themselves and then cause a secondary problem.

McKelvy: Ok so in past, when you choose to use those words, it's saying, you're saying that its to make sure that they're safe and their actions going up the stairwell or if they have equipment, so they won't drop it or something.

Alvarez: Yeah, whether it's stairwell or obstacles to cover or whatever, I just don't want them hurt in the process of executing whatever they're executing.

McKelvy: Ok. Alright and then the other thing I was asking you about off the record, when you went back to the scene or I don't know if you had left and went back, but you were in that office where the property manager is, and you were reviewing their hallway camera footage. And that's the one you

labelled in body-worn camera that you got from the property, from the property manager lady. Do you recall what I'm speaking of?

Alvarez: Just to be clear, you're saying I have a body cam footage of the video from the, that shows the, like the hallway area? Is that correct?

McKelvy: Yes sir

Alvarez: Yes, I remember ---

McKelvy: You remember---

Alvarez: Getting footage.

McKelvy: Ok great. So, when you were standing there reviewing that monitor that was showing the images that the hallway camera recorded…

Alvarez: Ok.

McKelvy: Were you watching everything that was showing on the screen, or did you just have your camera up and just recording it?

Alvarez: I don't remember, but typically, in scenarios, I have my camera up and wanna be focused on what's going on around me. At that time, I know we talked about it, the [redacted] was in the area still, and she was yelling and mf'ng the deputies, so I know there was an attention to my surroundings. So, I don't necessarily remember that instance, but I wasn't, I didn't know, it wasn't necessarily a still safe situation 'cause the [redacted] was extremely upset what had occurred.

McKelvy: Did you watch what you eventually recorded on your body-worn camera footage, did you watch that scene first and then recorded it or did you just as the first time that she showed you the scene, you just recorded it?

Alvarez: I couldn't recall.

McKelvy: When you, when you were looking at that camera to know or that screen to know I'm going position my camera this way so I can get a good, you know, evidence of the hallway camera footage, did you see the images of Deputy Romero striking the suspect in that threshold?

Alvarez: I can't recall I could, if I remember seeing that image on the video. I would have to rewatch the video. And even if I watch the video, I don't recall what I captured. My primary focus at the time was just get the video and following my normal path is watch it at a later point. There's not a lot of value in intelligently processing on scene 'cause a) it's not safe and b) I have other responsibilities. It's mostly just to capture and watch at a later point.

McKelvy: Ok. You have anything else?

Cardenas: No.

McKelvy: Alright. I'm going to go off the record briefly so that we can just take a look at your body-worn camera footage of the stairwell at that point in time, ok?

Alvarez: Ok.

McKelvy: So, I'm going to go off record at 1417 hours.

And we're back on the record at 1427 hours. All four parties that were in the room before are back in the room. We just finished reviewed Lieutenant Alvarez' body-worn camera footage specifically where he was in the garage and the stairwell just so he can get a recollection or refreshment of his point of view from the action. So, is there anything that you could say that helps you answer the previous question as far as what you saw when you were there, and would you classify those actions as a foot pursuit or not?

Alvarez: With regard specifically to the foot pursuit, I'm saying I would probably classify it as a foot pursuit. I usually talk to the deputy first, is my normal path, but I wanna make sure I'm clear or he's clear on his intentions but yeah I probably would set it as a foot pursuit.

McKelvy: Did you have any concerns with Deputy [redacted] entering that stairwell when he did and how he did?

Alvarez: At the time I don't remember. I typically like to move as a group with my tactical decision-making. Make sure everyone is on board. I don't know if, I don't think there was any concerns 'cause it seemed like he had a decent distance based on the videos we reviewed today. It looks like somewhere between 10 and 20 feet. And it seemed like, based on the audio and the visual, that there were deputies, like at least three deputies plus a sergeant and he was a singular individual that didn't appear to have any weapons in his hands at the time. So, I think we're ok tactically. So…

McKelvy: And you mentioned about the weapons, is that you even know if that was known by [redacted] or any of the other deputies there?

Alvarez: I don't remember at the time but there was, based on the, my recollection in the, me being refreshed and the videos today, I don't remember hearing any discussion audibly that was captured of weapons.

McKelvy: Ok. And then again, I asked you earlier about the statements or the orders that you gave "Slow and steady. Slow and steady." So now that you saw your body-worn camera footage from your vantage point, does that refresh why our would have said that?

Alavarez: I, I, I would say that it's consistent with how I normally operate. That no matter, whether stairwell, or obstacle, whatever, I want my staff to be safe in doing, executing whatever. So, it seems fairly consistent the statement made earlier and watching the video now why I would say that. 'Cause I want them to be safe, first and foremost. We'll see if we get the person or not. Secondary issue.

McKelvy: That's all I have. Do you have anything Ms. Harman.

Harman: I do not.

McKelvy: Anything else you want to add, lieutenant?

Alvarez: No ma'am.

McKelvy: With that, we'll go off record at 1430 hours. 1431.

I.A.B. #: FO2570670

WITNESS INTERVIEW

DEPUTY HILDA RUIZ

McKelvy: We're on the record. Today is July 13th, 2023. The time is 1258 hours. My name is Sergeant Ermina McKelvy, M-C-K-E-L-V-Y, and with me is Sergeant Vincent Vanderhoeven.

Vanderhoeven: V-A-N-D-E-R-H-O-E-V-E-N.

McKelvy: We're both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affair Bureau Office, which is in the City of Commerce in Interview Room A. This is witness interview regarding a force investigation under Case Number FO25706…70, let me just say it again, FO2570670. This incident occurred on January 17th, 2023. Being interviewed today is Deputy Hilda Ruiz. Deputy Ruiz, please state and spell your first and last name for the record, along with your employee number.

Ruiz: Hilda, H-I-L-D-A, last name Ruiz, R-U-I-Z, Employee number [redacted]

McKelvy: And representing Deputy Ruiz is Attorney Russell Perry. Sir, can you state and say…say and spell your last name for the record?

Perry: Sure. Russell Perry, last of P as in Peter, E-R-R-Y. Thank you.

McKelvy: You're welcome. Deputy Ruiz, prior to going on the record, I provided you with an Administrative Rights Force Shooting Investigation Form. Did you have an opportunity to read the form?

Ruiz: Yes.

McKelvy: Do you understand the form?

Ruiz: Yes.

McKelvy: And I do see you checked 'yes' on both boxes, which indicates that you do have the Policy and Ethics Chapter of the Manuel of Policy and Procedure, and that you do understand and are familiar with its contents. Is that correct?

Ruiz: Yes.

McKelvy: Did you sign and date the form?

Ruiz: Yes.

McKelvy: Also, prior to going on record, I provided you with the opportunity to review your body-worn camera footage from the use of force. Is that correct?

Ruiz: Yes.

McKelvy: Do you have any questions?

Ruiz: No.

McKelvy: All right, so let's just start by you telling me, how long have you been on the Sheriff's Department?

Ruiz: On the Sheriff's Department, about eight years.

McKelvy: Eight years? And can you just give me a brief history of your assignments, starting with your academy class? [redacted]

Ruiz: Yes, ma'am.

McKelvy: What class was that?

Ruiz: [redacted]

McKelvy: [redacted]

Ruiz: [redacted]

McKelvy: [redacted]

Ruiz: I worked [redacted]

McKelvy: Uh-huh (AFFIRMATIVE). The whole time?

Ruiz: Yes, ma'am.

McKelvy: And what was the timeframe you [redacted]?

Ruiz: From [redacted]

McKelvy: And what happened in [redacted]

Ruiz: [redacted]

McKelvy: Which class number is that?

Ruiz: [redacted]

McKelvy: All righty, and so, you were there in [redacted]

Ruiz: That was in, I believe, [redacted]

McKelvy: [redacted]?

Ruiz: For…yeah, about that time.

McKelvy: So, what was your first assignment as a Deputy Sheriff?

Ruiz: I was at [redacted].

McKelvy: From what time to what time?

Ruiz: I was there for [redacted] (UNINTELLIGIBLE).

McKelvy: From there, where did you go?

Ruiz: I went to East LA.

McKelvy: In November of 2019, correct?

Ruiz: Yes, ma'am.

McKelvy: And are you currently assigned there?

Ruiz: Yes.

McKelvy: On January 17th, 2023, were you assigned to East Los Angeles Station?

Ruiz: Yes, ma'am.

McKelvy: Were you working on duty that day?

Ruiz: Yes.

McKelvy: What unit were you assigned?

Ruiz: I was Unit 21.

McKelvy: 21? What area does that cover?

Ruiz: That is East LA.

McKelvy: But the proper East LA area?

Ruiz: Yeah, the incorporated area of East LA.

McKelvy: And did you have a partner?

Ruiz: No.

McKelvy: Were you wearing a uniform identifying as a Deputy Sheriff?

Ruiz: Yes.

McKelvy: So, this incident occurred at 21…I'm sorry, that's [redacted] Whittier Boulevard…excuse me, Whittier Boulevard. Did you respond to that call?

Ruiz: Yes, ma'am.

McKelvy: Was that call coordinated?

Ruiz: Yes, ma'am.

McKelvy: By whom?

Ruiz: By the handling unit.

McKelvy: And who was that?

Ruiz: I…it was Deputy [redacted] and Deputy [redacted].

McKelvy: Uh-huh (AFFIRMATIVE). How did the coordination occur?

Ruiz: I was advised to set up…position my vehicle west of the building.

McKelvy: And how were you advised of that?

Ruiz: Via our L-TAC radio.

McKelvy: Uh-huh (AFFIRMATIVE). Where were you responding from?

Ruiz: I don't recall.

McKelvy: How long did it take you to get to the location?

Ruiz: I don't recall.

McKelvy: So, you're…you were told to position your vehicle west?

Ruiz: Yes, ma'am.

McKelvy: And when you arrived there on Whittier Boulevard, is that where you positioned your vehicle?

Ruiz: Yes, ma'am.

McKelvy: Was there anyone else outside when you arrived?

Ruiz: Yes, ma'am. I don't remember who. I just remember seeing another black and white vehicle.

McKelvy: Was a person there with the vehicle or was it just the car?

Ruiz: Yes.

McKelvy: So, there was one…one Sheriff's unit. So, what happened once you arrived?

Ruiz: They…I remember radio traffic being put out that another deputy saw the suspect running through the parking lot.

McKelvy: And was a description of the suspect in the call?

Ruiz: Yes, ma'am.

McKelvy: How was the suspect described?

Ruiz: As a…I don't remember precisely, but (talking over)…

McKelvy: So, I'll remind you, you do have a copy of your Supplemental Report here in front of you, and you do have…have the opportunity to review it if you need to. Don't…don't feel like you have to…a hundred percent, go off of your memory (talking over)…

Ruiz: It's…didn't put it on the…on the Supplemental Report.

McKelvy: No worries, okay. So, what is it that you remember of the description?

Ruiz: It was a male Black, wearing a black shirt.

McKelvy: Uh-huh (AFFIRMATIVE). Are you guessing or are you sure that's what you say you heard?

Ruiz: I…yeah, I don't recall, ma'am.

McKelvy: But you do know it was described as a male Black?

Ruiz: Yes, ma'am.

McKelvy: Any additional information from the call that you remember prior to arriving?

Ruiz: No, ma'am.

McKelvy: Well, what was the call about?

Ruiz: It was a…a suspect, a 487 suspect.

McKelvy: What does 487 stand for (talking over)…

Ruiz: (Talking over) grand theft. He had…a grand theft for a vehicle.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: He was a 487 suspect for that.

McKelvy: So, he was a suspect of a grand theft of a vehicle?

Ruiz: Yes.

McKelvy: And did the call indicate that the suspect was still at the location?

Ruiz: Yes.

McKelvy: All righty, so you get there, and so, you say you…someone else that arrived prior to you had seen the suspect?

Ruiz: I…there…it was put out over radio traffic.

McKelvy: Right, was that prior to you arriving?

Ruiz: No.

McKelvy: So, when you…when you got there, the first thing you heard was that somebody said they saw the suspect?

Ruiz: Deputy Zeas, I believe (talking over)…

McKelvy: And how are you spelling that?

Ruiz: Z-E-A-S.

McKelvy: And what did he say?

Ruiz: He went…he got on the patch saying that he had OBS on the suspect.

McKelvy: OBS, okay. Is that observation?

Ruiz: Yes.

McKelvy: And where, where did the suspect go?

Ruiz: He was inside the parking lot…

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: …of the structure, which was secured at the…from the outside.

McKelvy: Uh-huh (AFFIRMATIVE). What next?

Ruiz: I went over towards the parking lot door trying to go assist.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And then, from what I remember, the door opened. Deputy [redacted] was there, and we began to…we walked towards the suspect, but he had taken off through the building. He went through the stairwell of the elev…of the building.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: So, we were attempting to locate him. And from there, we received a notification from one of the [redacted] of the building saying that she believed he was locked inside [redacted] office in the closet.

McKelvy: Now, you…when you say you received that information…

Ruiz: She approached us.

McKelvy: Uh-huh (AFFIRMATIVE). And she directed you to where that office was?

Ruiz: Yes, ma'am.

McKelvy: And where was it?

Ruiz: It was on the south side of the building.

McKelvy: Uh-huh (AFFIRMATIVE). Who was with you when this [redacted] approached you?

Ruiz: Deputy…I don't remember who was with me.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: But, while we were looking for the suspect in the building, I remember Deputy [redacted] was with me.

McKelvy: Uh-huh (AFFIRMATIVE). So, when you get this information from the employee, did you or whoever you were with relay that information to other units that was on scene?

Ruiz: Yes, ma'am.

McKelvy: And how was that done?

Ruiz: L-TAC.

McKelvy: What happened next?

Ruiz: We went to the front and we knocked on the door.

McKelvy: The front of what?

Ruiz: Of the...the front of the building, which is close to where the office was.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: So, we went into the office, and we knocked on the door to see if the suspect was in there.

McKelvy: Now, was this…was the door closed to the office?

Ruiz: It was…no, the main…the door into the office was opened and there was a, a closet. So, the closet was secured.

McKelvy: And so, was that the door you were saying you were knocking on?

Ruiz: Yes, ma'am.

McKelvy: So, you went inside the office, and inside the office was an enclosed closet, then the door was closed?

Ruiz: Yes, ma'am.

McKelvy: And is that…you're sure that that's where the [redacted] directed you to?

Ruiz: Yes, that's what she told us.

McKelvy: So, at the point that you are inside the office and you…you're knocking on the door to speak with the suspect, which…who, who else was there besides yourself?

Ruiz: I don't remember.

McKelvy: Can you…do you know who responded at all to the location?

Ruiz: Deputy [redacted].

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Deputy [redacted], and then Deputy [redacted] Deputy [redacted].

McKelvy: And who else?

Ruiz: I don't recall.

McKelvy: Was there a sergeant there?

Ruiz: Sergeant Alvarez.

McKelvy: Uh-huh (AFFIRMATIVE). You mentioned Detective Zeas, was he inside the office there as well?

Ruiz: No, ma'am. He stayed outside.

McKelvy: And just to be clear, this incident occurred on January 17th, 2023. How long had you been at the station up until that point?

Ruiz: About three, four years.

McKelvy: Three or four years, okay. So, did you attempt to speak to the suspect?

Ruiz: Yes, ma'am.

McKelvy: And you did that how?

Ruiz: Through the door.

McKelvy: Uh-huh (AFFIRMATIVE). What his response to…

Ruiz: He was non-responsive.

McKelvy: He didn't say anything?

Ruiz: No.

McKelvy: So, you spent the…attempted to talk to the suspect and who else atro…who else tried?

Ruiz: Everyone.

McKelvy: Individually?

Ruiz: Yes. So, everybody was trying to give him commands for him just to come out. And, again, still unresponsive. The Mental Evaluation Team came out, they tried to speak to him.

McKelvy: Who called them?

Ruiz: I don't remember who exactly called them.

McKelvy: How long was it from the time you went into the office until the MET Team arrived?

Ruiz: I don't recall.

McKelvy: Can you guesstimate?

Ruiz: Maybe, like, 25, 30 minutes.

McKelvy: Uh-huh (AFFIRMATIVE). And then you said they were attempting to get the suspect to come out of the closet as well?

Ruiz: Yes, ma'am.

McKelvy: How long did they speak with him?

Ruiz: I don't recall. Maybe, like, another 15, 20 minutes.

McKelvy: Uh-huh (AFFIRMATIVE). Were you in the office when they were speaking to the suspect?

Ruiz: Yes.

McKelvy: Could you hear what, if anything, he was saying to them?

Ruiz: I don't remember.

McKelvy: Was he communicating with them at all?

Ruiz: Yes.

McKelvy: So, he was saying something, okay. What was the outcome of their efforts?

Ruiz: He refused to come out.

McKelvy: All right. Now, leading up to when the MET Team came…MET Team came, did you or anyone else, any other deputy personnel, speak with the informant?

Ruiz: I…the [redacted] right? So, I don't…I remember Sergeant Alvarez maybe…

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: …or [redacted] I…near her. I don't know if…I didn't see them speaking to her. I don't know who spoke to her.

McKelvy: Uh-huh (AFFIRMATIVE). Was there any additional information disseminated between the parties that were there more than what was included in the initial call for service?

Ruiz: Not to my knowledge, no.

McKelvy: So, you don't know…

Ruiz: Not that I remember.

McKelvy: You don't know if the suspect had [redacted]?

Ruiz: The [redacted]…I remember the [redacted] speaking to him through the door, too. But she did say that he had [redacted].

McKelvy: So that was additional information?

Ruiz: Yes.

McKelvy: So [redacted] What…do you remember what she, she said about her…about his [redacted]?

Ruiz: No, ma'am.

McKelvy: Were you under the impression that he was [redacted]?

Ruiz: I didn't ask.

McKelvy: And do you know what kind of [redacted]?

Ruiz: I don't recall, ma'am.

McKelvy: So, you guys are trying to get the suspect out of the co…out of the closet, and who, who was the last person that attempted to get him to come out on his own?

Ruiz: I don't recall, ma'am.

McKelvy: So, you're saying that you were there for over 30-something minutes, and you have a report that you haven't referred to, and everythin…every person I'm asking you, you're not recalling? Is there anything that can help you recall anything? And then you saw a video as well. So, is there anything that can bring…refresh your memory?

Ruiz: No, ma'am. I, I guess, like, the video before…

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: …we attempted to have him come out. But…

McKelvy: All right. So, at some point…

Ruiz: Because I was recording the whole time, so it will show, like, pretty much what…who spoke to him, who was there.

McKelvy: Uh-huh (AFFIRMATIVE). Yeah, it will. So, at some point, I would assume that Sergeant Alvarez is there, correct?

Ruiz: Yes, ma'am.

McKelvy: Between Sergeant Alvarez and…you said…you said [redacted] was the handling unit?

Ruiz: Yes, ma'am.

McKelvy: At some point, what…was there a tactical plan established to eventually get the suspect out of the closet?

Ruiz: Yes, ma'am.

McKelvy: What was discussed?

Ruiz: I was going to be on radio.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Deputy [redacted] was going to be assigned to the 40. Deputy [redacted] and Romero were hands-on, I believe.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And yeah.

McKelvy: Was anyone assigned lethal option?

Ruiz: Lethal?

McKelvy: Yes, lethal.

Ruiz: Yes, but I don't recall who.

McKelvy: So, we've got [redacted], Romero, you, and what was…what was [redacted] assignment?

Ruiz: Taser.

McKelvy: And then other than making the assignments of what each of you were going to be responsible for, what else…what else was discussed in the tactical planning?

Ruiz: I don't recall.

McKelvy: All right. So…did I already say this part? Hold on. So…all right, so I have [redacted]. In your report, you said Deputy [redacted] was, was assigned to open the door.

Ruiz: Yes, ma'am.

McKelvy: So, he was a part of the tactical planning?

Ruiz: Yes, ma'am.

McKelvy: All right. Again, so we've got [redacted], Romero, [redacted], [redacted] and you, and then Sergeant Alvarez. All right. So, what was your understanding of what the team was going to do to get the suspect out of the closet?

Ruiz: So, we had Fire staged as well. So pretty much just keep talking to him. We had MET talk to him. We were on a different frequency, Metro.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Then they were either going to open the door and ask him to step out. If he complied, then just turn around, and handcuff. But just try to pull him out of the closet because we didn't know if there was, like, any weapons inside or anything like that.

McKelvy: Uh-huh (AFFIRMATIVE). So, right now, what you're describing to me is a plan on what the team was going to do?

Ruiz: Yes, ma'am.

McKelvy: So, like, when I ask, "What was the plan?," that's what you should say.

Ruiz: Okay.

McKelvy: That's the plan. That's what I need to know, right? So, what…the plan that you guys devised, did it pan out the way that you planned for it to happen?

Ruiz: No.

McKelvy: So, what happened?

Ruiz: We were more, like, obviously reactive to what…his actions.

McKelvy: Uh-huh (AFFIRMATIVE). So, what happened?

Ruiz: So, he refused to come out of the closet, and he was struck with a 40-millimeter.

McKelvy: By whom?

Ruiz: By Deputy [redacted].

McKelvy: And was that independent action that Deputy [redacted] took?

Ruiz: It was directed by Sergeant…everything was directed by Sergeant Alvarez.

McKelvy: Where were you standing when Deputy [redacted] fired the, the round?

Ruiz: I was behind all the deputies.

McKelvy: Uh-huh (AFFIRMATIVE). How far away from the door of the closet were you?

Ruiz: Maybe, like, 10, 15 feet.

McKelvy: Uh-huh (AFFIRMATIVE). How close…or what was the distance between Deputy [redacted] and the suspect when he fired his round?

Ruiz: I, I don't know, ma'am.

McKelvy: Can you estimate?

Ruiz: Maybe five feet to…

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Three to five feet.

McKelvy: When you…prior…okay, so prior to opening the door…I think you mentioned a little bit already about the closet. What were some of

your concerns about the suspect and the situation prior to that door being opened?

Ruiz: That if he had any weapons.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: If he was going to be combative.

McKelvy: Uh-huh (AFFIRMATIVE). Did you know what was inside the closet?

Ruiz: No, ma’am.

McKelvy: Did the employee tell you what the closet is, is used for?

Ruiz: If she did, I don’t remember.

McKelvy: Uh-huh (AFFIRMATIVE). So, you were concerned that the suspect if he had any weapons or if he was going to be combative?

Ruiz: And we did hear him, like, moving things around in there.

McKelvy: Uh-huh (AFFIRMATIVE). When the door to the closet was opened, was it opened with a key?

Ruiz: Yes, there was a key ma’am.

McKelvy: So, who opened the door?

Ruiz: It was Deputy [redacted].

McKelvy: So, Deputy [redacted] used the key to open the door?

Ruiz: Yes, ma’am.

McKelvy: So, he put the key in the…in the lock, he turned it…turned the knob, and opened the door?

Ruiz: Yes, ma’am.

McKelvy: Was it…

Ruiz: From what I remember, yes.

McKelvy: Was it opened easily or was there anything that was preventing it from opening?

Ruiz: No, the suspect was holding the door to prevent us from opening it.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: So, yeah, we kind of struggled to open the door.

McKelvy: Once the door was opened, what did you see?

Ruiz: The suspect was holding his phone.

McKelvy: Where?

Ruiz: In his hand.

McKelvy: Uh-huh (AFFIRMATIVE). Was it at his side? Or was it up? What was he doing with it?

Ruiz: It was up. And the deputies gave him commands to step out. He did not step out.

McKelvy: Did he say anything?

Ruiz: I couldn't hear him.

McKelvy: But was he saying something?

Ruiz: I don't remember.

McKelvy: So, you said you saw the suspect inside the closet, correct?

Ruiz: Yes, ma'am.

McKelvy: What did he look like?

Ruiz: He was a male Black.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: About 25, 30 years old.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: About maybe, like, 6'3", 300 pounds.

McKelvy: Uh-huh (AFFIRMATIVE). What was he wearing?

Ruiz: A black shirt and pajama bottoms with boots, black boots.

McKelvy: Anything else that he was wearing?

Ruiz: I don't recall.

McKelvy: Uh-huh (AFFIRMATIVE). What was his demeanor?

Ruiz: Well, since the deputies were kind of, like, in my way, I couldn't really, like, see him. And he was inside the closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Like, I couldn't see his face or really, like, what he was…his facial expressions or what he was doing.

McKelvy: Uh-huh (AFFIRMATIVE). Could you see…other than the suspect in, in the closet, could you see what kind of items were in there?

Ruiz: There was a brooms and, like, buckets, cleaning supplies, pretty much.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: At one point, they had to take the broom and buck…and bucket out.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Out of the way.

McKelvy: They brought it out of the closet?

Ruiz: Yeah, I don't…I don't know if he was attempting to grab it or what ha…what was…I couldn't really see.

McKelvy: From your vantage point, what…which deputies were, were standing near the door of the closet?

Ruiz: Deputy Romero and Deputy [redacted].

McKelvy: Uh-huh (AFFIRMATIVE). Were they talking to him?

Ruiz: They were giving him commands to step out.

McKelvy: Uh-huh (AFFIRMATIVE). So, what happened once the door was opened? And you're seeing all these items. You're seeing what you could of the suspect. How…what, what was going on through your mind once you saw what you guys are finally…what you're finally able to see what, what you were dealing with?

Ruiz: Just that he wasn't cooperating, and he was going to…he didn't want to…obviously come, so he was going to fight.

McKelvy: Uh-huh (AFFIRMATIVE). Uh-huh (AFFIRMATIVE). What happened next?

Ruiz: So, he was struck with the 40.

McKelvy: Uh-huh (AFFIRMATIVE). One time?

Ruiz: I believe two times.

McKelvy: In succession?

Ruiz: I don't know, ma'am. I couldn't see if it actually struck him.

McKelvy: Was it…was it…

Ruiz: It was deployed.

McKelvy: It was deployed, okay. You could hear it?

Ruiz: Yes.

McKelvy: Did…you send…you said Sergeant Alvarez directed…

Ruiz: Yes.

McKelvy: …Deputy [redacted] to do that? So, you heard, heard it being deployed. What happened once you heard, heard the, the round go off?

Ruiz: It didn't affect him.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: He didn't come out. They kept telling him to come out, wouldn't come out.

McKelvy: And at…and all the while at, at this point, where are you?

Ruiz: Still in the back.

McKelvy: Uh-huh (AFFIRMATIVE). What happened next?

Ruiz: He was tased by Deputy [redacted]

McKelvy: Did you…did you…could you see where the prongs went?

Ruiz: No, I could not see.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And that was directed by Sergeant Alvarez.

McKelvy: You said [redacted]?

Ruiz: Yes, ma'am.

McKelvy: Uh-huh (AFFIRMATIVE). What was the suspect's response to being tased?

Ruiz: I couldn't see him, but I think it was, like, ineffective because he still refused to come out and he was…the deputies attempted to pull him out and he was not letting himself come out.

McKelvy: How did they attempt to pull him out?

Ruiz: I saw them reaching into the closet and kind of trying to pull.

McKelvy: Uh-huh (AFFIRMATIVE). "Them" meaning whom?

Ruiz: Deputy [redacted] and Romero.

McKelvy: So, you say you saw them reaching into the closet to pull the suspect out. Were they using both hands?

Ruiz: I don't recall.

McKelvy: Uh-huh (AFFIRMATIVE). And where was Sergeant Alvarez when this was going on?

Ruiz: He was towards the back too.

McKelvy: Back where you were?

Ruiz: Yes, a little bit further up. Like…yeah.

McKelvy: I'm confused.

Ruiz: A little bit further up.

McKelvy: So, he…

Ruiz: To the side. It just…it was, like, small, small area. So…

McKelvy: So, you're behind Deputy [redacted] and Deputy Romero. Were you behind [redacted] as well?

Ruiz: I was behind all of the deputies.

McKelvy: And then where you were standing, where was Sergeant Alvarez?

Ruiz: He was…I, I don't know where exactly he was, but he was closer up.

McKelvy: Could you see him from where you were standing?

Ruiz: Yes, he was closer up than me.

McKelvy: So, where the deputies were from where you were where you saw the sergeant, do you think he would…he could see…like, he was close enough to be direct (talking over)?

Ruiz: Yes, ma'am.

McKelvy: So, you said [redacted] and Romero reached in to try to pull the suspect out, but he wouldn't come out. What was the next course of action?

Ruiz: From what I recall, they were able to pull him out of the closet.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And move him towards the wall to attempt to handcuff.

McKelvy: And what was the suspect doing when the pulled him out?

Ruiz: He, he began to thrash his body. Then the deputies had to do a takedown.

McKelvy: Uh-huh (AFFIRMATIVE). Do you have anything so far?

Vanderhoeven: How was he…was he thrashing his body? Can you describe that?

Ruiz: He did, like, a forward movement. And from there, that's…the deputies had to do a takedown because he was still resisting them.

Vanderhoeven: How was he resisting them?

Ruiz: He was not allowing them to put his hands behind their…his back to handcuff him.

McKelvy: Uh-huh (AFFIRMATIVE).

Vanderhoeven: Did you see his hands…what his hands were doing?

Ruiz: No, the deputies were…and they were kind of in my way still.

McKelvy: Uh-huh (AFFIRMATIVE). So…

Vanderhoeven: And you…

McKelvy: Go ahead.

Vanderhoeven: You had mentioned earlier that he…when you saw him, it looked like he wanted to fight. Can you describe what you saw that made you formulate that opinion?

Ruiz: I…was it…I…didn't, didn't you ask me what were my concerns?

McKelvy: Uh-huh (AFFIRMATIVE). That was your concern.

Ruiz: And that was, like, my concern that he's probably going to want to fight.

Vanderhoeven: Did you see how he was acting at the time? Or did he have his hands clenched? Or…

Ruiz: As soon as he opened the door, he had a phone in his hand and he was kind of moving his hands up and down. That's what I remember.

McKelvy: Uh-huh (AFFIRMATIVE). So, you said the deputies were going to do a takedown, and then…

Ruiz: They did a takedown, ma'am.

McKelvy: And who did the takedown?

Ruiz: I don't recall specifically who, but I do remember that Deputy [redacted] and Romero were kind of attempting to hold him and they all ended up on the floor.

McKelvy: Uh-huh (AFFIRMATIVE). How so?

Ruiz: With the, the suspect on the bottom. They were…ended up closer to the, the door, the office door.

McKelvy: So, the suspect was on the bottom, and where were the deputies?

Ruiz: They were attempting to get his hands. I don't…I couldn't see where his hands were, but I just heard commands. "Give me your hands. Stop resisting. Stop fighting."

McKelvy: Uh-huh (AFFIRMATIVE). So, there was…how many deputies, that you can remember, were involved with trying to subdue the suspect and put him in handcuffs?

Ruiz: Like three to four.

McKelvy: Uh-huh (AFFIRMATIVE). And where were they physically?

Ruiz: I…Deputy [redacted] was closer to me, closer to his feet. Deputy [redacted] and Romero were closer to his upper torso.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And Deputy [redacted] was behind…yeah, next to me, behind me.

McKelvy: Oh, okay. At that point when they…when they did the takedown, was the suspect lying flat on the floor?

Ruiz: He was lying flat on the floor.

McKelvy: Uh-huh (AFFIRMATIVE). Was he submitting to the deputy's orders?

Ruiz: Not that I…I don't think so because he kept…they kept saying, "Give me your hands. Give me your hands. Stop fighting. Stop resisting us."

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And that's…I couldn't see.

McKelvy: So, once they're on the floor, could you see what the suspect was doing?

Ruiz: (UNINTELLIGIBLE).

McKelvy: I know you said you couldn't see his hands, but you could…could you see what, what his body was doing?

Ruiz: No, ma'am.

McKelvy: Uh-huh (AFFIRMATIVE). Could you…at some point…at some point, the, the, the suspect…and while he's still resisting, somehow or another, they got handcuffs on him, is that right?

Ruiz: Yes.

McKelvy: What happened in the time…in between the time that they did the team takedown to when he was in handcuffs?

Ruiz: They were…I didn't see what they were doing. I was directed to place a hobble on his feet.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: So, I placed a hobble on his feet, and Deputy [redacted] helped me do that.

McKelvy: When you were directed to put a hobble on the suspect's feet, was he being resistive?

Ruiz: No.

McKelvy: When…in, in your mind, when was the suspect no longer resisting?

Ruiz: When he was handcuffed. I didn't see what they were doing…what he was doing with his hands or what the other deputies perceived.

McKelvy: No…

Ruiz: But his feet, like, he wasn't kicking them or anything.

McKelvy: So, when you place the hobble on his…on his ankles, he wasn't resisting with his feet?

Ruiz: Yes, ma'am. That's correct.

McKelvy: Could you see what his upper body was doing?

Ruiz: I could not see.

McKelvy: When you put the hobble on his feet, was he handcuffed already?

Ruiz: Not to my knowledge.

McKelvy: So, fro…when you put the handc…the hobble on, he was not secured with handcuffs at that point?

Ruiz: I, I don't recall, ma'am.

McKelvy: Uh-huh (AFFIRMATIVE).

Vanderhoeven: And just to clarify, Sergeant Alvarez directed you to put the hobble on his feet, correct?

Ruiz: Yes, sir.

McKelvy: So, I'm looking at your report. On the first page, fifth paragraph down, you're saying that a taser was deployed. You heard the deputies say, "Stop fighting." And you also said you relayed radio traffic over the radio that deputies were involved in a fight.

Ruiz: Yes, ma'am.

McKelvy: When, when did that happen? Because you didn't mention any of that when I said what happened in between these times.

Ruiz: So, it was when he was in the closet and they were attempting to grab him and he was resisting. During that time…

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: …I relayed over radio just to update assisting units.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: Because we were on a different frequency. We were on Metro. So, I…just to update our desk and…

McKelvy: So, you're saying that the deputies that were there on scene were on Metro radio frequency?

Ruiz: Yes, because we were there for a while.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: And we…SCC had directed us to go on Metro.

McKelvy: Uh-huh (AFFIRMATIVE). So…

Vanderhoeven: Would that be…I'm sorry.

McKelvy: Go ahead.

Vanderhoeven: Was that the tactical channel that…

Ruiz: Yes.

Vanderhoeven: …SCC directed you to?

Ruiz: Yes, sir.

McKelvy: So, when you say it in your report that, "I relayed it over my handheld radio that deputies were involved in a fight," what channel were you relaying that information on?

Ruiz: Metro.

McKelvy: And then so that information was for not only the deputies that were there on scene, but could the station hear that as well?

Ruiz: Yes, ma'am.

McKelvy: And SCC as well?

Ruiz: Yes, ma'am. And they did ask me if we needed paramedics, but I had relayed to them that they were already staged outside.

McKelvy: Uh-huh (AFFIRMATIVE). Do you know who had called the paramedics prior to that?

Ruiz: Probably the handling deputies.

McKelvy: Uh-huh (AFFIRMATIVE). All right. And then again, this last sentence you say you saw Deputy [redacted] punch suspect…the suspect approximately two times. When did that occur?

Ruiz: So, that's, again, during the closet when they were trying to reach for him.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: It…to me, it appeared like they were punches, but I also put that I could not see if they made contact with the suspect.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: But from the video, I…it kind of looked like maybe he was…they weren't, like, punches, they were more like…I, I guess he was maybe trying to reach inside and grab him.

McKelvy: Uh-huh (AFFIRMATIVE). All right. So, you're clarifying what you wrote on your report based on reviewing the body-worn camera footage?

Ruiz: Yes, ma'am.

McKelvy: And you're saying now that after looking at the body-worn camera footage, what you described as Deputy [redacted] punching the suspect in the closet, after reviewing it, it appears as if he's doing what?

Ruiz: Reaching in.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: But, again, I did not see if he made contact with the suspect.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: I couldn't see him.

McKelvy: Now, you describing Deputy [redacted] reaching in from the body-worn camera footage. Is he reaching in with a closed fist or an open hand?

Ruiz: I, I don't recall, ma'am.

McKelvy: Uh-huh (AFFIRMATIVE). So, in this force, from what you see, from what you remember, from what you wrote a report, wh…in your mind, when was the suspect…when did he begin resisting the deputy's efforts?

Ruiz: When he refused to come out of the closet.

McKelvy: And then you can…so that's being resistive by him not even coming out? Or are you saying after the door was opened…

Ruiz: He's passively being resistive.

McKelvy: And then when did he become actively resistive?

Ruiz: When he…when the deputies attempted to remove him from the closet and he resisted them.

McKelvy: By doing what?

Ruiz: By either using his…I don't know what…I couldn't see him specifically, but he wasn't coming out.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: So, his body weight or whatever he was doing that he wasn't complying.

McKelvy: Uh-huh (AFFIRMATIVE). And when was the suspect no longer being resistive?

Ruiz: Once he was handcuffed.

McKelvy: Did you see the handcuffs being placed on the suspect?

Ruiz: I could not see.

McKelvy: So how did you know when the suspect was handcuffed?

Ruiz: Once the deputies got up and then Sergeant Alvarez said, "Put…place him on his side."

McKelvy: Uh-huh (AFFIRMATIVE). And that was before or after you placed the hobble on him?

Ruiz: That's after.

McKelvy: Do you have anything?

Vanderhoeven: I may have missed this, but from the time that you…deputies made contact with him inside the closet with the closet door closed and had attempted to convince him to come out to the time that the

keys were retrieved and they opened up the closet door, how much time had gone by?

Ruiz: It was a while. Maybe, like…maybe, like, another 30, 45 minutes.

Vanderhoeven: And that would include that…with MET being involved and doing their efforts and…

Ruiz: They came a little bit after because we were there first and we were trying to get the keys, we were talking to him, we were…they did request Fire, the [redacted] came and talked to him, and then MET came after some time. And it was…yeah, it was a while.

Vanderhoeven: So how long would you estimate all of that to take place?

Ruiz: The whole incident? Maybe, like, like, an hour and a half, two hours.

Vanderhoeven: So, an hour and a half, two hours from the time that this incident took place to…[redacted] had attempted to come…made contact with him, attempted to draw him to come out. The Mental Evaluation Team arrived, they attempted to make contact with him, and attempted to come out, and the deputies as well?

Ruiz: Yeah, but I'm not really sure.

Vanderhoeven: And then one other question, during the application of force with the suspect, was…you had mentioned earlier a Deputy Z-E-S…A-S.

Ruiz: Zeas.

Vanderhoeven: Was he there?

Ruiz: No, I didn't see him.

McKelvy: So, once you observe…when the deputies got up from engaging with the suspect, you saw that he was handcuffed at that time, did you observe any injuries on the suspect?

Ruiz: Yes.

McKelvy: Where were they?

Ruiz: I don't remember which eye, but there was bruising and there was blood on the floor.

McKelvy: Uh-huh (AFFIRMATIVE).

Ruiz: But that's all I really remember.

McKelvy: Did you provide medical…render medical aid to the suspect?

Ruiz: The Fire Team was already there, so it…he…they came immediately. They were just outside.

McKelvy: Were you injured during this incident?

Ruiz: No, ma'am.

McKelvy: Were any of the other deputies injured during the incident?

Ruiz: I'm not sure, ma'am.

McKelvy: Did you report your use of force or any force that you witnessed to a supervisor?

Ruiz: Yes, ma'am.

McKelvy: Who did you report that to?

Ruiz: To Sergeant Alvarez.

McKelvy: And when was that done?

Ruiz: That same day.

McKelvy: Was there a debrief?

Ruiz: I don't remember.

McKelvy: Do you have anything?

Vanderhoeven: No.

McKelvy: Anything, Mister Perry?

Perry: No, we're good. Thank you.

McKelvy: All right. Well, that concludes this interview. We'll have the time at 1…sorry, 1343 Hours.

FO 2570670

WITNESS INTERVIEW

DEPUTY ENRIQUE PERALTA

McKelvy: We are on the record. Today is July 19th 2023. I have the time at 1313 hours. My name is Sergeant Ermina McKelvy and with me is Sergeant Ashley Taylor [*sic*]. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau, under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's office, which is in the City of Commerce, and we are in interview room D. This is a witness interview regarding a force investigation under Case #FO 2570670. This incident occurred on January 17th, 2023. Being interviewed today is Deputy Enrique Peralta. Deputy Peralta, please state and spell your first and last name for the record along with your employee number.

Peralta: It's going to be Enrique E-N-R-I-Q-U-E, last name Peralta P-E-R-A-L-T-A. [redacted]

McKelvy: And representing Deputy Peralta is Attorney Matt Gelfond. Sir, can you please state and spell your first and last name for the record?

Gelfond: Matt M-A-T-T, Gelfond G-E-L-F-O-N-D.

McKelvy: Thank you. And for voice recognition, Sergeant Turner, can you please say and spell your last name.

Turner: Yeah, it's gonna be Sergeant Turner T-U-R-N-E-R. I believe earlier you said Sergeant Taylor. So just a correction; it's going to be Sergeant Turner.

McKelvy: Thank you. Deputy Peralta, prior to going on record, I provided you with the Administrative Rights form. Did you have an opportunity to read the form?

Peralta: Yes.

McKelvy: Did you understand the form?

Peralta: Yes.

McKelvy: Do you have any questions about the form?

Peralta: No.

McKelvy: And I see that you did check 'yes' and initial the boxes, stating that you do have the Policy and Ethics chapter of the Manual of Policy and Procedures and you are familiar with its contents. Is that correct?

Peralta: Yes.

McKelvy: Did you sign and date the form?

Peralta: Yes.

McKelvy: Okay. How long have you been on the Sheriff's Department?

Peralta: [redacted].

McKelvy: [redacted]. Can you go ahead and give me your history with the department, starting with your academy class number and date.

Peralta: Class number's gonna be [redacted] Upon graduation, I was assigned to [redacted]

McKelvy: When were you in the academy?

Peralta: I believe it's going to be [redacted]

McKelvy: And when did you, start working at [redacted]?

Peralta: [redacted]

McKelvy: Okay. When did you leave there?

Peralta: I left in.. [redacted]

McKelvy: And where did you go?

Peralta: I went to the East Los Angeles Sheriff's Station.

McKelvy: Do you remain assigned there now?

Peralta: Currently yes, but I am [redacted] ma'am.

McKelvy: You're [redacted]. Where are you [redacted] to?

Peralta: I'm [redacted] to the VIDA program.

McKelvy: What is VIDA?

Peralta: VIDA is Vital Intervention Deviation Alternatives.

McKelvy: Okay. Is that still under East LA's area or are you assigned to another station?

Peralta: Still to the one at East LA.

McKelvy: Okay. Alright, and were you assigned to East Los Angeles Station on January 17th, 2023?

Peralta: Yes.

McKelvy: What shift did you work?

Peralta: Dayshift.

McKelvy: What was your unit call sign?

Peralta: 27Tom1.

McKelvy: Did you have a partner?

Peralta: I did not.

McKelvy: Were you wearing a uniform identifiable as a deputy sheriff?

Peralta: Yes.

McKelvy: Okay. Now, this incident that we're reviewing, occurred for an incident at [redacted] Whittier Boulevard in Los Angeles. Did you respond to that location?

Peralta: Yes.

McKelvy: How did the call come out?

Peralta: The call came out as a 503 suspect. I believe it was Deputy [redacted] that had the handle on that call.

McKelvy: What does 503 represent?

Peralta: It's a stolen vehicle.

McKelvy: Stolen vehicle. And you mentioned Deputy [redacted]

Peralta: Yes.

McKelvy: Was Deputy [redacted] the person who put out the radio traffic?

Peralta: Correct.

McKelvy: Okay. So, was this a call that was generated from East Los Angeles Station's Dispatch, or did it come out on some other form or fashion?

Peralta: From the Dispatch.

McKelvy: It came out from Dispatch. Was the call coordinated?

Peralta: Yes.

McKelvy: Were you assigned a position? Or somewhere to go?

Peralta: Initially, I- I assigned myself to the call, or 'AS' myself to the call and, while responding, he gave me a containment spot.

McKelvy: And "he" meaning Deputy [redacted]?

Peralta: Yes.

McKelvy: Alrighty. And this coordination that was done when Deputy [redacted] assigned you a "a spot" on the coordination, or containment?

Peralta: Yes.

McKelvy: How was that relayed to you?

Peralta: Can you explain what you mean?

McKelvy: Which radio frequency?

Peralta: I believe it was over Dispatch.

McKelvy: Okay. How long did it take you to get to the location?

Peralta: Approximately eight minutes. I was responding from Commerce.

McKelvy: Eight minutes and you were responding from Commerce.

Peralta: Yes.

McKelvy: Okay. So, where were you supposed to position on the containment?

Peralta: From Whittier Boulevard to the west of the property.

McKelvy: Okay. Once you assign yourself to the call, you were able to get the call on your callbox inside your car? Inside the patrol vehicle? What information was relayed regarding to the call?

Peralta: Suspect description. If I remember correctly, his [redacted] was the caller.

McKelvy: The [redacted] was the caller?

Peralta: Yes, of the suspect.

McKelvy: So, you said it was a male is the suspect?

Peralta: Yes.

McKelvy: Any other description of the suspect?

Peralta: Male, African-American.

McKelvy: Was his name in the call?

Peralta: I do not recall.

McKelvy: Okay. So, responding to that location, from your understanding what- you said it was a stolen vehicle. What classification of crime is that, misdemeanor? Felony?

Peralta: It's a.. it's going to be a felony.

McKelvy: Okay. Once you arrived to your containment spot, what did you see?

Peralta: I saw another patrol vehicle to my- going to be to the north of me. I don't remember the street that the vehicle was at where I took the containment spot at. But there was one other vehicle just north of me and then I was at the intersection of Whittier Boulevard.

McKelvy: Okay, so you are assigned a spot to the exterior of the building where the suspect was seen?

Peralta: Yes.

McKelvy: Okay. You say you saw another vehicle. Was there another deputy there at that containment spot with you?

Peralta: Yes.

McKelvy: Who was that?

Peralta: I believe it's going to be Deputy Romero.

McKelvy: Male or female?

Peralta: Female.

McKelvy: Was Aero called to the scene? Aero Bureau?

Peralta: I do not recall.

McKelvy: What did you do once you got to your containment spot?

Peralta: I just held the position so I would be notified what else to do.

McKelvy: Okay. And did you hear any additional radio traffic over- regarding the incident over the radio while you were there?

Peralta: I did.

McKelvy: You did? What did you hear?

Peralta: I heard the suspect moving through the apartment complex, a big apartment complex. So, he was moving through the apartment complex. He was mobile. Deputies were trying to maintain an observation on him and that was the only radio traffic that I was able to hear.

McKelvy: At any point did you.. change your containment spot?

Peralta: Once they located the suspect, yes.

McKelvy: Okay. Where did you go from that point?

Peralta: I went into the interior of the building, just north of the building, and my containment spot was holding the door, preventing anyone from coming inside the building.

McKelvy: Which door is this?

Peralta: It's gonna be the north door, northwest- or northeast door.

McKelvy: Outside of that door, what's out there?

Peralta: It's.. patio.

McKelvy: A patio area?

Peralta: Yes.

McKelvy: Like.. Is it enclosed or open-air?

Peralta: It's open-air and enclosed.

McKelvy: Explain further?

Peralta: It's a tall building, has different floors. It's open from the top, the roof, but it's enclosed within- it's still inside the building.

McKelvy: Okay. And this buil- You said it's an apartment complex?

Peralta: Yes.

McKelvy: So, the patio area that you're speaking of, is it in the center of the complex?

Peralta: Yes.

McKelvy: Okay. So, it's surrounded by apartments within that building.

Peralta: Correct.

McKelvy: Okay. And then, on the inside of the building where you were, what's in that area?

Peralta: It was a lobby area.

McKelvy: The lobby, okay. Was anyone else in the lobby with you at that containment spot?

Peralta: Deputy Romero, female.

McKelvy: Okay. Alright, so, from the time that you arrived on scene, and you were at the exterior containment spot, to the time that you repositioned yourself- Again, that repositioning inside the lobby, was- did someone direct you to go there?

Peralta: Yes.

McKelvy: Who did that?

Peralta: I believe it's going to be Sergeant Alvarez.

McKelvy: Okay. So, at that time, were there any other deputies on the exterior of the building?

Peralta: There were several deputies.. at the exterior? No.

McKelvy: At the exterior. Okay. So then, you were directed by Sergeant Alvarez to switch from the exterior of the building to the interior of the building at the lobby area, at the northeast door.

Peralta: Correct.

McKelvy: Okay. And you're there with Deputy Romero. What other deputies are there in that lobby area once you arrive?

Peralta: It was gonna be Detective Zeas.

McKelvy: Zeas?

Peralta: Yes.

McKelvy: Z-E-A-S?

Peralta: Z-E-A-S.

McKelvy: Okay. And who else?

Peralta: And then, just myself and Deputy Romero.

McKelvy: Were there any civilians there?

Peralta: The [redacted] of the suspect.

McKelvy: She was inside in the lobby area with you.

Peralta: She was.. so, she was on the other side of the glass door. So, she was- we were in the patio area's at. That's where she was at.

McKelvy: Okay. So, she was not on the interior.

Peralta: No.

McKelvy: She was on the exterior patio area.

Peralta: Yes.

McKelvy: And then, how far away- Okay, the other question I was going to ask you was how much time passed from when you first arrived on scene 'til you moved to that lobby containment spot?

Peralta: I'm going to say approximately 50 minutes.

McKelvy: Five zero?

Peralta: Yes.

McKelvy: What frequency was being used, when Sergeant Alvarez told you to move your spot?

Peralta: I do not recall if we were on L-TAC or tactical.

McKelvy: M-hm. Could you hear any updates.. over the radio regarding the suspect's.. like, any additional description? When you said that they located him inside the closet, but was there any other additional information given over the radio about the suspect, other than his whereabouts?

Peralta: No.

McKelvy: Okay. Alright. So, after 50 minutes, you're inside the lobby. What did you hear while you were there in the lobby?

Peralta: I heard.. several deputies giving commands to the suspect.

McKelvy: Okay. And where the suspect was located, how far away were you standing from his location?

Peralta: I wanna say maybe about 30 feet, 40 feet.

McKelvy: This office, is this where the closet was?

Peralta: Yes.

McKelvy: Okay. It's off the lobby area?

Peralta: Yes, off to the hallway.

McKelvy: Off to the hallway. Okay, explain that.

Peralta: So, if you entered through Whittier Boulevard to the main lobby entrance, there's a hallway off to the left.

McKelvy: Okay.

Peralta: It's a long hallway. There's a first, it's like a room, small rooms, with a closet, and where I was at, it was just north of that, towards the patio area.

McKelvy: Alright. So, you're saying, at that point, it's just you and Romero at that door and then other deputies are where, inside the office? Are they in the hallway?

Peralta: In the office.

McKelvy: They're in the office.

Peralta: Yes.

McKelvy: Where was Deputy Zeas? Detective Zeas?

Peralta: He was in between us and the hallway. Or the room.

McKelvy: Okay. So, it wasn't just you and Deputy Romero out there.

Peralta: No.

McKelvy: It was Deputy Zeas- I mean, Detective Zeas.

Peralta: Yes, yes.

McKelvy: Okay. Anyone else other than Detective Zeas and Romero and yourself in the hallway in the lobby?

Peralta: Not that I recall.

McKelvy: Okay. So, you're hearing what going on inside the office?

Peralta: Commands to come out, come out of the closet. Several commands.

McKelvy: Do you know who was in the office as far as deputy personnel or Sheriff's personnel?

Peralta: No, 'cause I couldn't see.

McKelvy: Were there multiple deputies on scene, that you were aware of?

Peralta: Yes.

McKelvy: Okay. Do you know who was on scene?

Peralta: I remember it was, Deputy [redacted] Deputy [redacted]. They were working together. Deputy Romero, male.

McKelvy: Male Romero, okay.

Peralta: And I believe it had to be Deputy [redacted] and Sergeant Alvarez.

McKelvy: Alrighty. Alright. So, you're hearing the deputies inside that room giving the suspect commands. Were you aware of where the suspect was inside that room? Did you act- Were you, were you able to see the room from where you were standing?

Peralta: No.

McKelvy: You were not able to see the room.

Peralta: No.

McKelvy: Okay. From where you were standing, was the room like, straight down the hallway or did it- did you have to- If you were to walk to that office from where you were standing, would it be a straight shot, or would you have to have made a turn?

Peralta: I would have to make a turn.

McKelvy: Okay. So, from where you were standing, you could just hear what was going on.

Peralta: Correct.

McKelvy: Okay. So, you heard the deputies giving the commands. After you were hearing the deputies give commands, what else did you hear?

Peralta: So, for a while I just heard the commands. Then I heard a taser go off.

McKelvy: Did you hear any response by the suspect?

Peralta: I did hear a scream from the suspect.

McKelvy: Okay. Was that before or after you heard the taser?

Peralta: After the taser.

McKelvy: After the taser.

Peralta: Yes.

McKelvy: Then what happened?

Peralta: I heard several rounds of 40mm go off.

McKelvy: How do you know it was the 40?

Peralta: It's a distinct sound. It's one thing we have in our arsenal that's a 40 that sounds just like that.

McKelvy: Okay.

Peralta: And I also heard deputies give the command that they were going to be deploying the 40mm.

McKelvy: Okay. How many times did you hear that?

Peralta: I do not recall how many times.

McKelvy: More than once?

Peralta: Yes.

McKelvy: Okay. How about the taser? How many times did you hear the taser go off?

Peralta: From what I remember, only once.

McKelvy: Only once, okay. So, you heard the taser; you heard the 40. What else did you hear?

Peralta: And commands as well.

McKelvy: M-hm. And that was it? You just heard the taser, you heard the 40 and you heard commands. And then you heard the suspect scream, you said once?

Peralta: Yes.

McKelvy: Then what else happened, that you could hear or see?

Peralta: That was pretty much it. I couldn't hear anything else or see anything else.

McKelvy: M-hm. So, what was the next thing you saw before you left the scene?

Peralta: So, before I left the- my containment spot where I was at?

McKelvy: M-hm. I mean, because you're saying that you heard the taser, you heard the 40 being deployed. You heard them giving the suspect commands. And then what happened after that? What was the next thing?

Peralta: So, [redacted] attempted to go inside the building.

McKelvy: From your door?

Peralta: Yes.

McKelvy: M-hm.

Peralta: Obviously, she couldn't go inside so I held the door so she wouldn't go inside. [redacted] so she knows the whereabouts, or the layout of the area, and she went onto another side of the building. So, I directed my way to- Knowing that there was another door on the other side, I directed my way to the other door to prevent her from coming inside the building.

McKelvy: What do you mean by you directed your way?

Peralta: So, I went and repositioned myself to another door to prevent her from coming inside there.

McKelvy: Which door was this one?

Peralta: It's going to be off to the west.

McKelvy: Where was that door in relationship to the office where the deputies and the suspect was?

Peralta: It appears to be like, like a community room.

McKelvy: Okay. But where was it as far as direction and position?

Peralta: To the west of it.

McKelvy: It was to the west of the office where the deputies and the suspect was?

Peralta: Correct.

McKelvy: Did you have to pass the office where the deputies and the suspect were to get to the community room?

Peralta: Yes.

McKelvy: What did you see when you passed that, that office?

Peralta: I saw deputy personnel with the suspect on the ground.

McKelvy: Where on the ground?

Peralta: On the floor of.. I don't remember exactly where. I don't know if it was between the hallway or in the room.

McKelvy: What were the deputies doing?

Peralta: They were holding him down in a recovery position.

McKelvy: In a recovery position.

Peralta: Yes.

McKelvy: Could you see the suspect at that time?

Peralta: No.

McKelvy: You just saw the deputies.

Peralta: Yes.

McKelvy: What prevented you from seeing the suspect?

Peralta: I was- My attention was drawn towards the [redacted] so I just- it was a quick pass-by. I didn't turn around. I just straight toward where the [redacted] was at.

McKelvy: Was the suspect saying anything?

Peralta: I don't recall.

McKelvy: Were the deputies saying anything?

Peralta: I don't recall.

McKelvy: How much time passed from when you heard the first.. form of use of force? The first thing you told me was a sound of a taser.

Peralta: Yes.

McKelvy: Alright? So, from the time you heard the taser until you walked down that hallway towards the community room, how much time passed?

Peralta: I don't recall.

McKelvy: Was it 30 minutes? Was it an hour? Was it five minutes?

Peralta: Less than 30 minutes.

McKelvy: Less than 30 minutes, okay. Do you have anything, partner?

Turner: You said that the deputies were holding the suspect down in a recovery position?

Peralta: Yes.

Turner: Was the suspect on his.. Describe how he was on the ground.

Peralta: To his side.

Turner: Do you know which side?

Peralta: Possibly to his left side.

Turner: And how were the deputies holding him down?

Peralta: They were standing right behind him, just holding him on that recovery position.

Turner: Can you describe further how they were holding him?

Peralta: If I remember correctly, they were just kinda holding him, preventing him from falling off to his back, or to his front.

Turner: Whereabouts on his body were they holding him?

Peralta: To the back.

Gelfond: And just now, for the record, you gestured with your hands. So, are you indicating that they were using their hands to hold him in place?

Peralta: Yes.

Turner: And were these deputies, like, on the ground holding him? Were they standing up? Bent over holding him?

Peralta: Bent over.

Turner: Did they have any knees anywhere on the suspect's back or shoulder area or neck?

Peralta: I do not recall.

Gelfond: Okay.

McKelvy: So, did you go, eventually walk over to the community room? Where you saw the [redacted] You said she was at a door over there?

Peralta: Yes.

McKelvy: Okay, so you went all the way down a hallway, past the deputies and the suspect and did you go to the door or just to the community room?

Peralta: To the actual door past the community room.

McKelvy: What happened next?

Peralta: I was able to make contact with [redacted] I told her she was not able to come in. She left mad. And then--

McKelvy: She did what?

Peralta: She left mad. She was mad. She was upset that she--

McKelvy: Oh, she left mad.

Peralta: Yes.

McKelvy: Okay.

Peralta: She was mad that she wasn't able to go inside the building.

McKelvy: Okay. What happened next?

Peralta: Firefighters- or Fire Department arrived and put suspect on the gurney.

McKelvy: Okay. From where you were at that door speaking with the [redacted], again, is that- from where you were to where you saw the deputies, holding the suspect in a recovery position, was that a straight view or did you have to go- would you have had to go around a corner to see them?

Peralta: That was a straight view.

McKelvy: Okay. So, where you were standing, you say you saw LA County Fire arrive?

Peralta: Yes.

McKelvy: What happened then?

Peralta: They placed him on a gurney and transported him or placed him inside the ambulance.

McKelvy: Alright. And all that time while they're treating the suspect, you're maintaining your position at that door by the community room?

Peralta: Yes.

McKelvy: Okay. What happened next?

Peralta: Once the suspect was placed in the ambulance, I was assigned- or directed to escort him to the hospital.

McKelvy: How far away from the community room were the Fire Department and the deputies, you know, prior to them, like, putting him on the gurney? How far away is it? How much distance is that?

Peralta: I believe 10, 15 feet.

McKelvy: Were you able to hear anything that was being said?

Peralta: I do not recall.

McKelvy: If something was being said, would you have been close enough to hear it?

Peralta: Yes.

McKelvy: Okay. But you just don't remember what was said, okay. From the place where you were standing, at the door, that west door by the community room, you said you could see, like, the Fire Department come in there.

Peralta: Correct.

McKelvy: Did you see them lift the suspect on the gurney?

Peralta: Correct.

McKelvy: Could you see the suspect on the gurney at that time while you were standing by the community room?

Peralta: Yes.

McKelvy: Did you see if the suspect had injuries?

Peralta: Yes.

McKelvy: Where were his injuries?

Peralta: I believe to his left eye.

McKelvy: What did it look like?

Peralta: Swelling to his left eye.

McKelvy: Any others that you can see from your point?

Peralta: No.

McKelvy: Okay. So, you see Fire Department put the suspect on the gurney and at some point, while you're standing there at the west door, were you able to actually see Fire Department put the suspect in the ambulance? From where you were standing?

Peralta: No.

McKelvy: Okay. You just assume that's what they did, from where you were standing?

Peralta: Yes.

McKelvy: And then, who told you to go with paramedics to take the suspect to the hospital?

Peralta: I want to say it was Deputy [redacted] Since he was the handling deputy.

McKelvy: Okay. Did you ride in the ambulance with the suspect?

Peralta: I do not recall because it was two of us. I don't know how exactly did we do it.

McKelvy: Who else was there?

Peralta: Deputy Romero.

McKelvy: Okay.

Peralta: Female.

McKelvy: Alright. So, at some point, you get to- where did they transport the suspect to?

Peralta: To LA USC.

McKelvy: Okay. Then what happened there?

Peralta: They treated him for his injuries.

McKelvy: While you were there, how close were you to the suspect?

Peralta: Within arm's reach.

McKelvy: Okay. And what did you observe of the suspect's injuries?

Peralta: I saw he had swelling to his left eye.

McKelvy: Any other injuries?

Peralta: Not that I recall.

McKelvy: I'm going to refer to your report. The last paragraph, you say "While at LAC USC, I observed Suspect Matthews had a hematoma to the left eye and saw bruising approximately 3 inches in diameter on his abdomen." Would that be- Is this what you wrote?

Peralta: Yes.

McKelvy: Does that refresh your memory as to what you saw?

Peralta: Yes.

McKelvy: Okay, so you saw a hematoma to his left eye and a 3" in diameter bruise on his left abdomen.

Peralta: Yes.

McKelvy: So, just to go back, while you were inside the building in the lobby area, did you witness force used on the suspect at any time?

Peralta: No.

McKelvy: While you were there, did you witness the suspect being resistive and/or assaultive towards the deputy at any time?

Peralta: No.

Turner: I have one. You mentioned that you heard the taser deployed?

Peralta: Yes.

Turner: Was there any, taser advisement or announcement prior to the taser being deployed?

Peralta: Yes.

Turner: Can you tell me about what you heard?

Peralta: 'Taser taser taser.'

Turner: Okay. And then you had also mentioned that you heard deputies giving commands to the suspect to come out of the closet. Were you able to recognize who was giving those commands by their voices?

Peralta: No.

Turner: Okay. That's all I have.

McKelvy: And then one more thing, just to note, you did hear the taser being employed. While you were at the hospital, were you witness to any, any evidence of whether or not the taser prongs inserted into the suspect's body?

Peralta: Reading off my supplemental, yes.

McKelvy: What did you observe?

Peralta: "Removed taser prongs from suspect's left leg and center chest."

McKelvy: Okay.

Turner: Did the suspect complain of any other additional pain in your presence at the hospital?

Peralta: No.

Turner: And, back to when you were by that activity room? Is that what you called it?

Peralta: Yes.

Turner: And you're not allowing the suspect's [redacted] to enter the apartment building. Can you just tell us about, like, what your reasoning was as to why you would not want to allow her into the building?

Peralta: I just didn't want her to interfere between the deputies and the suspect or her become assaultive with the deputies. That's why.

Turner: Was she displaying any behavior that might lead you to believe that she would act that way if allowed into the building?

Peralta: Yes. She was very upset.

Turner: And can you describe how she was upset?

Peralta: She was upset once she heard her [redacted] scream and she heard the rounds fall go off of the 40mm.

Turner: And how do you know she was upset?

Peralta: She- she was cussing at us. She--

McKelvy: You said cussing?

Peralta: Yes.

McKelvy: Okay. Is that profanity?

Peralta: Yeah, profanity. She was cursing at us, and she was trying to make her way through the door to reach her [redacted].

McKelvy: Okay and then, just describe further. What do you mean she was trying to make her way through the door?

Peralta: So, she- at the north door that we were located at initially, she tried to force her way into the door.

McKelvy: Was she.. How was she trying to force her way?

Peralta: She tried to open the door on us multiple times, tried to force her way into the door.

McKelvy: M-hm. Were you still on property when a debrief was conducted?

Peralta: No.

McKelvy: Okay. So, you never participated in the debrief.

Peralta: No.

McKelvy: Okay. And did you report what you observed to anyone?

Peralta: To Sergeant Alvarez.

McKelvy: Okay. And when was that done?

Peralta: Immediately after I left the hospital.

McKelvy: When you left the hospital.

Peralta: Yes.

McKelvy: And did you have a body-worn camera on?

Peralta: Yes.

McKelvy: And you activated it?

Peralta: Yes.

McKelvy: Okay. I don't think I have anything else. Unless Mr. Gelfond, do you have anything to add?

Gelfond: No.

Turner: Did your body-worn camera remain activated during the whole incident?

Peralta: Yes. Once I was either driving- I don't remember if I was driving or I was in the ambulance, but from that transition it was off.

Turner: Okay.

McKelvy: Alright. And with that, we're going to go ahead and go off the record at 1343 hours.

I.A.B. #: FO2570670

WITNESS INTERVIEW

DEPUTY JENNIFER ROMERO

McKelvy: We're on the record. Today is August 31st, 2023. The time is 0942 hours. My name is Sergeant Ermina McKelvy and with me is Sergeant Dwayne Javier. We are both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau Office in the City of Commerce, Interview Room C. This is a witness interview regarding a force investigation under case number FO2570670. This incident occurred on January 17th, 2023. For voice recognition, I'll allow Sergeant Javier to go on record.

Javier: This is Sergeant Javier, spelled D-W-A-Y-N-E J-A-V-I-E-R.

McKelvy: Being interviewed today is Deputy Jennifer Romero. Deputy Romero, please state and spell your first and last name for the record along with your employee number.

Romero: Jennifer Romero, J-E-N-N-I-F-E-R R-O-M-E-R-O, and…

McKelvy: Employee number.

Romero: Employee number is [redacted]

McKelvy: Uh-huh (AFFIRMATIVE). And representing Deputy Romero today is attorney Russell Perry. Sir, can you please state and spell your first and last name for the record?

Perry: Sure. Russell Perry, R-U-S-S-E-L-L P as in Peter, E-R-R-Y. Attorney rep, thank you.

McKelvy: Thank you. And Deputy Romero, prior to going on record, I provided you with an Administrative Rights Force/Shooting Investigation Form. Did you have an opportunity to read the form?

Romero: Yes.

McKelvy: Do you understand the form?

Romero: Yes.

McKelvy: Do you have any questions about the form?

Romero: No.

McKelvy: And I see that you did check "yes" on both boxes indicating that you do have the Policy and Ethics chapter of the Manual of Policy and Procedures and you are familiar with its contents. Is that correct?

Romero: Yes.

McKelvy: Did you sign and date the form?

Romero: Yes.

McKelvy: Additionally, prior to going on record, Sergeant Javier read you the video admonition prior to allowing you to review your body-worn camera footage and also the fixed surveillance from the hallway camera footage. Is that correct?

Romero: Correct.

McKelvy: All righty. And at this point, is there any reason why this interview can't take place today?

Romero: No.

McKelvy: All right. How long have you been on the Sheriff's Department?

Romero: About [redacted].

McKelvy: [redacted]? Can you give me a history of all of your assignments since being on the department?

Romero: [redacted]

McKelvy: When did you go there?

Romero: [redacted]

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: After that, [redacted] And then I transferred to Marina del Rey Station as a Detective. So that's my current assignment.

McKelvy: So, is it true that you were assigned to East LA Station on January 17th, 2023?

Romero: Yes.

McKelvy: Did you work in the field that day?

Romero: Yes.

McKelvy: Which shift?

Romero: If I recall, it was day shift.

McKelvy: What was your call sign?

Romero: I can't remember. I think it was, like, 26 Adam or 28 Henry.

McKelvy: Do you have your report with you?

Romero: Yes. Not off…not…

McKelvy: I just want to make sure we're…I have an In-Service as well if you need to refresh your memory. I'm going to show you that. Anyway, here's a copy of the Tuesday, January 17th, 2023, AM shift In-Service for East LA. Don't mind the markings. Do you see your name on that In-Service?

Romero: Yes.

McKelvy: And what unit were you assigned?

Romero: I was 26 Adam day shift.

McKelvy: 26 Adam day shift. Thank you. Did you have a partner?

Romero: No.

McKelvy: And were you wearing a uniform identifiable as a Deputy Sheriff?

Romero: Yes.

McKelvy: Were you equipped with a body-worn camera?

Romero: Yes.

McKelvy: And did you activate your camera during this incident?

Romero: Yes.

McKelvy: In addition to you activating it, did you leave it on during the entirety of the incident?

Romero: I can't recall if I had it on the entire time, but at times I recall turning it off I stepped out or if I talked to my partner. I don't remember exactly.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But there may have been a point where I stopped it.

McKelvy: Are you familiar what the policy is regarding activating your camera?

Romero: Yes.

McKelvy: And what's your understanding of when you're supposed to have it on and when you turn it off?

Romero: To activate it when I'm making contact with the public or at a call for service where I'm making contact.

McKelvy: So, this incident arose from a call for service at [redacted] Whittier Boulevard. Did you author a Supplemental Report regarding your involvement in this incident?

Romero: Yes.

McKelvy: Prior to writing your report, did you review your body-worn camera footage?

Romero: Yes.

McKelvy: And who was the handling unit on the call?

Romero: I, I can't remember exactly. I think it was either Deputy [redacted] or Deputy Romero.

McKelvy: What unit was Deputy [redacted] assigned to? And the In-Service is in front of you if you need to refer to it.

Romero: So, let's see. Deputy [redacted] was assigned as 23.

McKelvy: Did he have a partner?

Romero: Yes, his partner was Deputy [redacted] And Deputy Romero was Unit 28.

McKelvy: Did he have a partner?

Romero: No.

McKelvy: While on route to that call, was it coordinated?

Romero: I don't know exactly how…if he…how he coordinated it. I just recall that they needed a exterior containment, so they coordinated for exterior containment.

McKelvy: And how was that coordination done?

Romero: I, I…over L-TAC.

McKelvy: So, you said you were…you were told to go to a containment spot. Do you remember where that was?

Romero: I was just west of the building in the north alley.

McKelvy: Was there anyone else at that exact containment spot where you were?

Romero: I don't recall it was exactly. There wa…there were other units, but I can't recall who, who was also there.

McKelvy: Meaning, like, you said you're on the west side of the building, north alley, correct?

Romero: If I remember correctly, yeah.

McKelvy: So, where your physical body was, was there another deputy there with you?

Romero: I don't recall at the moment.

McKelvy: Had you been to that address before?

Romero: There might have been somebody…there might have been somebody else, but I don't recall who it was. Had I been at that address before?

McKelvy: Yes.

Romero: That I could pinpoint right now, I can't recall exactly. But I, I believe I've gotten calls there or in that area before.

McKelvy: When you arrived there at the location what did you see?

Romero: I just saw other units, like, in the other…like, I saw another unit. I think they were on Whittier Boulevard.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And then another unit across the alley. So, we were just outside. I couldn't see what was going on with the call for service. But I was in my…in the exterior part.

Javier: What was the purpose of the containment and being set up on the outside?

Romero: To be honest, I don't recall exactly. I, I think the call was a stolen vehicle suspect I think.

McKelvy: Again, do you want…do you want to assist her? Did you not have her Supplemental Report?

Perry: She can…I have…I do have if you want to take a look at this.

McKelvy: Let me see. I might have a copy as well.

Perry: Do you want to take a look at that?

McKelvy: Just as far as why you were there.

Perry: (UNINTELLIGIBLE).

Romero: Yeah, so it was a stolen vehicle suspect containment.

McKelvy: All right. So, you, you see other units, everybody's out on the exterior. Was there any other resources there on scene at that time when you…when you got there?

Romero: No.

McKelvy: Did you hear Aero Bureau at all?

Romero: Yes.

McKelvy: Aero Bureau was there?

Romero: Yeah.

McKelvy: And what were they doing?

Romero: Circulating overhead. I don't…communicating. They were communicating with the deputies inside. But that was, like, through L-TAC. And I think the radio traffic was really…like, the reception in there wasn't good. So, I couldn't really make out what was going on.

McKelvy: Uh-huh (AFFIRMATIVE). All right. So, did you hold your exterior containment spot during the entirety of this incident?

Romero: No. At some point I was directed to go inside.

McKelvy: And where were you directed to go?

Romero: In the building by the exterior double doors, one of the entrances.

McKelvy: Why were you told to go there?

Romero: Sergeant Alvarez had me stand there with the Fire Department.

McKelvy: Just to be clear, were you first on scene?

Romero: No.

McKelvy: There were several other units there prior to you?

Romero: Yes.

McKelvy: When you were told to go to…near the exterior door, did you say it was in the front of the building where Fire was?

Romero: Yes. That's off Whittier Boulevard.

McKelvy: Uh-huh (AFFIRMATIVE). And can you expound on what your responsibility was at that containment spot?

Romero: At first, I went in, and I was standing on the other side. There's, like, another door right across, which is also, like, one of the exterior doors. And then they were trying to figure out what was going on I guess with the MET Team.

McKelvy: Who's they?

Romero: The deputies that were handling the call.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, originally, I was on the opposite side. (Talking over).

McKelvy: Directionally, where would that be?

Romero: That would be…so the entrance is on the…on Whittier Boulevard. So, it'd be north.

McKelvy: So, originally, you were at the north door?

Romero: Well, when I walked in, I was, like, in, in the hallway and then I went to the double doors in…on the south side, which are right across. And then I was on the Whittier Boulevard side.

McKelvy: Which is the north side? Whittier is north or Whittier is south?

Romero: Whittier is…well, it depends.

Javier: (Talking over).

McKelvy: With that door that you were…that you were standing at that you're saying that…you mentioned north.

Romero: Yeah, on the north side right across from the Whittier Boulevard doors. So, on the north.

McKelvy: You're saying that's where you were initially?

Romero: I don't recall exactly where I was initially. But when I walked in, I was in the hallway, and then I was across on the north double doors, and then I…and then I was on the Whittier Boulevard doors.

McKelvy: What in the…what was that…the door that was on the north side that you were describing? What…where did that lead to?

Romero: The outside. I don't know if it leads to the apartments or…but it's part of the building.

McKelvy: Yeah, I understand.

Perry: (UNINTELLIGIBLE).

Romero: Yeah, so it's Whittier and then it'd be on this side. Like closer to the…I guess it's faced closer to the alley I guess.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: I don't know what it leads to. But it's the outside.

McKelvy: It's, it's outside of the building, but not outside on the main street?

Romero: Correct.

McKelvy: Got it. Did you ever go through those doors?

Romero: I don't recall.

McKelvy: Do you ever recall seeing a courtyard area?

Romero: I think that's the courtyard.

McKelvy: Where the north doors were?

Romero: Correct.

McKelvy: Got it. Why did you go from the north door to the, the south door where Whittier Boulevard was?

Romero: So there was people trying to come in. The [redacted]…I believe it was the [redacted]…the suspect's [redacted] that was trying to come in. So, I stood there for a little bit with Deputy Peralta. And then I was told by Sergeant Alvarez to go on the other side, which were the other doors on Whittier because he was already on that side. He…Deputy Peralta was already holding that door.

McKelvy: At that time, did you know where the suspect was?

Romero: Yes.

McKelvy: Where was he?

Romero: He was, like, in…I believe that was, like, the leasing office or, like, one of the business offices. And then he was in a closet in that…I think it was a closet or, like, a little supply room or something in that leasing office.

McKelvy: Uh-huh (AFFIRMATIVE). So, when you end up at the door on the south side because Peralta had the north side one, how far away were you standing? Or was that door an exit door from where the office you just described?

Romero: I don't know. Like, in measurements I don't know. But it wasn't that far away.

McKelvy: Uh-huh (AFFIRMATIVE). How tall are you?

Romero: I'm 5'5".

McKelvy: 5'5"?

Romero: Yes.

McKelvy: So, if you were to lay on the floor and add up, how many of your bodies can you measure that distance from where…where that door was you were standing to where the office was?

Romero: Maybe approximately like three of me.

McKelvy: Three of you, okay. So, 15, 15 to 20 feet away?

Romero: I can't…

McKelvy: Somewhere around there?

Romero: I don't…I don't know exactly the measurements, but yeah. Maybe. Approximately.

McKelvy: Approximately three of you, okay. All right. So just take me to that area. Because that…is that where you…you're…you stood by for the most part once you came in the inside? You were mostly at that door?

Romero: When I came inside, first I was, like, in the hallway close to the office where the guy was locked.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Like, in the hallway. And then there was a lot of people there and then they were trying to figure out…

McKelvy: So, when you were there, how, how close were you to that office in distance?

Romero: Maybe, like, 10 feet.

McKelvy: Uh-huh (AFFIRMATIVE). So, it was closer than the spot that you ended up staying longer with the firefighters?

Romero: Yes.

McKelvy: It was closer, okay. So, you were standing there and you said…what, what were they doing at that point when you were standing in that spot?

Romero: At that point, I still wasn't sure what was exactly going on. I just knew it was that call that we got and that the suspect was, like, locked in a supply room or closet room inside of the office. So, there was, like, the MET Team deputy and a clinician. And he kept, like, going in and out trying to talk to the guy.

McKelvy: How was he doing that? How was he trying to talk to the guy?

Romero: Like, he was trying to talk to him through the door of the…from inside of the leasing office.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: I think it was a leasing office.

McKelvy: Was anyone else in the room other than the suspect and the MET deputy at that point when you were standing about 10 feet away?

Romero: There was other deputies in there, yeah.

McKelvy: From where you were standing, could you hear what the suspect was saying?

Romero: No.

McKelvy: Could you hear what the MET deputy was saying?

Romero: I recall, like, him…I can't say verbatim.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But I know he was trying to convince him to open the door and get some, like, [redacted] help or, like, [redacted] help, help. They were trying to ask him to come out.

McKelvy: Why were you standing right there?

Romero: I was waiting to see if the guy came out and waiting for the sergeant. The sergeant had told us to standby in the hallway because they were trying to figure out what was going on.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, I was waiting there for a little bit.

McKelvy: You said, "Told us to standby." You and who else?

Romero: The other deputies that were in the hallway. Like Peralta told him to standby by the door. Had me waiting in there because I was called in from the exterior, so I didn't really have a role at the moment. They just had me come in from when I was out in exterior containment.

McKelvy: Approximately how many deputies were in that room while you were standing there?

Romero: Maybe like four, if I remember correctly.

McKelvy: Uh-huh (AFFIRMATIVE).

Javier: Could you see inside the room?

Romero: I could vaguely see.

Javier: What did you see?

Romero: Just deputies inside the ro…in, in the office. It was like a…it looks like a…like a leasing office.

Javier: And what were the deputies doing?

Romero: They were just standing there.

Javier: And you said at this point this is when the MET deputy was speaking through the door?

Romero: Correct.

McKelvy: How long was the MET deputy there speaking with the suspect through the door?

Romero: I don't recall how long, but this whole incident took a long time. But I can't remember exactly how long he took talking to the guy.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: It was quite some time.

McKelvy: What else was going on while you were standing in the hallway? You could see inside the office. And can you take me there again? Like, are

you directly across from the office? Is it diagonal to your right? To your left?

Romero: It was, like, in front of me.

McKelvy: Uh-huh (AFFIRMATIVE). Directly in front?

Romero: Right.

McKelvy: And you said Sergeant Alvarez was there at the time?

Romero: Yes.

McKelvy: Could you see what he was doing at, at that moment when you were standing there?

Romero: I can't…I don't remember exactly what he was doing. I remember him walking back and forth several times. But I don't know what he…what exactly he was doing. He just kept going in and out of the room back in the hallway. But I don't know what he…what he…his plan was or what he was doing exactly.

McKelvy: What…was there any radio traffic going on while you were standing in that, that spot?

Romero: I don't recall.

McKelvy: Uh-huh (AFFIRMATIVE). And based on what you knew of the call at that time, did you have any concerns?

Romero: No.

McKelvy: Uh-huh (AFFIRMATIVE). So why did you go from that, that spot directly across from the office where the suspect was to the next spot that you ended up closer to Whittier Boulevard?

Romero: Because from the…from when I was by the office in the hallway?

McKelvy: Yes. You said that at first you were about 10 feet away and you were standing there while the MET Team dep…MET deputy was talking.

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: And then you, you…earlier you told me you were at another location that was more, like, three times your length of your body, right?

Romero: Oh, (UNINTELLIGIBLE).

McKelvy: So why did you change locations?

Romero: So, eventually, I recall that the MET Team tried to talk to him, that wasn't working for him to come out of the door…the closet. So, eventually, I guess they formulated a plan. The main…the handling deputies with the sergeant, for them to open the door. So, the sergeant directed me to stand by the double doors on Whittier Boulevard to make sure, like, nobody from the public came in from the exterior. Or the [redacted] because the [redacted] was on the opposite side trying to come in through the other double doors where Deputy Peralta was.

McKelvy: And other than the MET…the MET deputy while you were standing there, did you see anyone else attempt to persuade the suspect to come out of the closet?

Romero: I don't remember specifically. But I, I just remember they were…I don't know who, but the…like, the MET Team was there, and the deputies were kind of trying to tell him to open the door.

McKelvy: So, the only time that you saw…

Romero: But I don't…

McKelvy: …someone trying to get the suspect out was as the MET deputy was talking to him? Or did you see, like, some of the other deputies try to talk to him, not the MET deputy?

Romero: Yeah, there was multiple. Like, I think the sergeant. I, I can't…I, I couldn't hear exactly. I couldn't make out because you can't…even though I was standing there, I couldn't hear exactly what they were saying because there was so many people there and there was so, so much noise. And then there was construction right, right in front of the building by the double doors. And they were, like, drilling holes. It was so loud, and I couldn't make…I couldn't hear what the suspect was saying when they were trying to convince him to come out. Like, when the MET deputy was trying to tell him to open the door or whatever, come out. I, I could vaguely hear what he said. Like, "Open the door. Come out." Not verbatim, but "We'll get you some help." And then I think Sergeant Alvarez said something along those lines as well. I can't recall verbatim what he said. And I believe Deputy [redacted], he was one of the ones inside as well trying to talk, talk through the door. But I can't recall and I can't…couldn't make out what they were saying because it was so much going on.

McKelvy: So there was multiple attempts from your observations of deputy personnel attempting to get the suspect to come out of the closet?

Romero: Correct.

McKelvy: Uh-huh (AFFIRMATIVE). And again, at that point, while you say…you said that you saw that they had formulated a plan to go and get the suspect out of the closet. Can you estimate about how long you guys are standing there up until that point?

Romero: It was a long time. I can't say exactly, but maybe at least 30 minutes I was waiting in the hallway. And that was already…the call had already come out long…way long. That was our…I had already been outside for a long time in exterior containment where they had been trying to figure something out. I don't know exactly what was going on until I went inside when I was in the hallway. At least minimum 30 minutes that he was locked in there and they were trying to talk, talk to him or talk to the MET guy…MET deputy, sorry.

McKelvy: And, again, up to the point where the tactical plan was formed, were there any civilians in the area where you were not related to the Sheriff's Department or even Fire Department?

Romero: I…in…inside?

McKelvy: Yes.

Romero: There might have been the…there was, like, a worker. I don't know if she was part of the building.

McKelvy: So, there was a fe…a female there?

Romero: Yes, but they were, like…they were directed by Sergeant Alvarez to go and wait in their office.

McKelvy: So, it was another office?

Romero: Yes.

McKelvy: How far away was that office Sergeant Alvarez directed them to go to? How far is that office from where the suspect was?

Romero: Maybe like another…from…maybe like 15 feet.

McKelvy: 15 feet from the office where the suspect was, okay.

Romero: Right.

McKelvy: How many…you said he…Sergeant Alvarez directed them to go into the office. How many did you see?

Romero: I believe two.

McKelvy: And they were both females?

Romero: Yes.

McKelvy: Leading up to that point, did you personally speak with the victim's…the victim? The suspect's [redacted]?

Romero: I remember that she was trying to come in through the doors where Peralta…Deputy Peralta was. And so, I was standing there with him to make sure she didn't come in. And he was trying to…I don't re…I don't remember what he told her exactly, but he told her that she needed to wait outside.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Not verbatim, I don't remember exactly what he told her. But he told her that she couldn't come inside from that exterior courtyard where she was.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And she was getting, like, agitated. I could see her body language from the door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And she's trying to come in. And I re…recall…vaguely recall that…I believe I told her to calm down or I told her to… "Ma'am, wait outside." Or something along that. And she cursed me out. She said…I can't remember if she said, "Fuck you bitch" or "Fuck you cunt." And so, I think that was my only main conversation with her, yeah.

McKelvy: (Talking over). When you arrived into that hallway lobby area, did you see the [redacted] go into that office to talk…to try to talk the [redacted] out? Did you ever see her go in that office?

Romero: I don't recall.

McKelvy: And I'm going to move forward but come back a little bit. But prior to the use of force, had you ever seen that suspect before?

Romero: No.

McKelvy: All right. So, I know you were waiting for, for further instructions while you were at that closer angle and you were…you said you were seeing if anybody was able to get…going to get the suspect out. What was your main focus from that point where you were standing?

Romero: My main focus? I was just waiting to see if he was going to say that he was going to step out.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So…

McKelvy: And at that moment, were there any instructions to not let anyone into the building at that point?

Romero: At that point, no. Not until I was told to stand by the double doors on Whittier.

McKelvy: Do you have anything?

Javier: No.

McKelvy: All right. So, you went to stand by the double doors at Whittier Boulevard. And what was your role there?

Romero: I was just waiting to see if the guy came out. And the sergeant had asked me to standby with the Fire Department if the guy came out. Depending on what…depending on what the outcome was to standby with the…by the double doors, make sure no one came in, and with the Fire Department.

McKelvy: Is that common practice to have the Fire Department on scene?

Romero: Yes.

McKelvy: Again, so I know you described the [redacted] demeanor as being agitated.

Romero: Yes.

McKelvy: Do you know why? Did she articulate why? Or could you tell what, what her…why she wanted to come inside?

Romero: I can't tell…I can't recall. I don't know why she wanted…well, her [redacted] was inside, so…but I don't know what her intentions were as to why she wanted to come in. I know she was the victim of the crime that occurred.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: It was her car that was stolen, and he was the suspect, and she called the police. But I don't know why she wanted to come in exactly.

McKelvy: And why do you think you were instructed to not let her in as, as the [redacted] of the suspect and the victim of the crime?

Romero: Because it…the situation wasn't, wasn't secure yet. It wasn't…they were dealing with the suspect that was locked in a closet. And she's the victim. It wasn't Code 4 yet.

McKelvy: Uh-huh (AFFIRMATIVE). What does Code 4 mean for those that don't know?

Romero: It wasn't…this…it wasn't…the situation wasn't…it wasn't clear. It wasn't…it was not…

Javier: Safe?

Romero: Yeah, it wasn't safe yet.

McKelvy: Uh-huh (AFFIRMATIVE). So, you don't know what her intentions were? So…okay, (talking over).

Javier: Other than her cursing at you, did she tell you anything else?

Romero: Not that I recall.

McKelvy: The door where she was, was that where Peralta was?

Romero: Yes.

McKelvy: Do you know if that door was locked?

Romero: No.

McKelvy: It was not locked?

Romero: No. That's why he…we were standing there.

McKelvy: So that was the only way to secure the door? Was to have you guys man the door?

Romero: Correct.

McKelvy: All right. Let's, let's talk about your report. What…what's your understanding of your responsibility as a witness on how you document any force that you witnessed or heard? For your…or any…anything about the…like, what a force situation, how it occurs? What's your understanding of how you're…what you're supposed to articulate in your report?

Romero: Well, if I'm writing a force report that I was a part of, then I write what I did and what my role was during the force.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: If I'm a witness, I write if I witnessed any force and document it on the report.

McKelvy: So, is it…am I understanding that you understand your, your responsibility for reporting is just to report solely the force only and nothing else?

Romero: Correct.

McKelvy: And that's why I'm asking the question that I'm asking because a lot of questions that I had is mainly wondering why you didn't it in your report. And so, your understanding is you're supposed to just focus on the force itself?

Romero: Yes.

McKelvy: All right. So, I'm going to dive deeper. And were you able to kind of remember what you saw on the videos prior to us starting on the record to refresh your memory of what happened?

Romero: Yes.

McKelvy: All right. Great. So, let's, let's think about what you saw on the hallway camera footage. And that's the one that's overhead, right?

Romero: Okay.

McKelvy: Like the CCTV.

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: All right. And were you…how far into the video did you look? How far did you go? Because I wasn't in here when you reviewed. I allowed you and your attorney to review the video so, you know, you guys can speak about it and…on…you know, in the privacy of attorney and client privilege.

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: So how far into that footage did you go?

Romero: I think we played the full video.

McKelvy: Great. All right. So, in your report, you…I believe you said that you didn't witness any in…any force, is that correct?

Romero: Yes.

McKelvy: All right. So, and there's one part in the video that I see you standing at that double door that you describe near Whittier.

Romero: Yes.

McKelvy: And at some point, I see you looking…let me see, so if that's north…let me get my directions right. So, if you're…if that's north, then you would have been looking…is that west? The office where the suspect was holed up, was that west of you or east of you?

Romero: West.

McKelvy: So, at some point in the video, I see you looking around the corner. You're standing there, but I see you turn your body and look down towards the direction of where that room is where the suspect was. Did you see that in the video?

Romero: Yes.

McKelvy: So, based on you seeing yourself in the video looking down that hallway, what were…why did you look down that hallway?

Romero: After reviewing the video, it…there was so much noise, I just heard, like, like, like loud sounds. Like loud commotion. So…

McKelvy: So, let me clarify what you mean by that because you also described the construction outside as loud.

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: So, can you be a little bit more descriptive of what you…what you're talking about, the sounds that you heard coming from the direction of that office?

Romero: Well, I can't articulate what sounds came out.

McKelvy: Did it sound like banging?

Romero: Like movement.

McKelvy: It sounded like movement?

Romero: Like, like loud movement. But I couldn't make out what it was, so that's why I turned that way. And then the [redacted] was on the double doors, and I went over to the other side to help Peralta because she was trying to come back in.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And that's when I turned. In the video after seeing, I turned my head slightly when I heard that…those, those loud movements. And then I walked over. And in the video, you could see that there's deputies on the floor, but I don't recall actually…like, I saw deputies, but I, I…obviously in the video I could see what's going on now. But at the moment I didn't…I don't recall exactly seeing that. I just saw, like, deputies right outside the door.

McKelvy: Uh-huh (AFFIRMATIVE). All right. So let me…

Romero: Of the leasing office.

McKelvy: Out of the door of the leasing office? And that's the same office you describe where the suspect was?

Romero: Correct.

McKelvy: Go ahead.

Javier: So, when you say commotion, you heard loud banging…I mean, loud banging or steps or something like that?

Romero: It's like, like movement.

Javier: Movement?

Romero: But I can't paint…I couldn't make out what it was. It's just loud movement. Like…

Javier: Did you hear voices?

Romero: I don't recall. I mean, there was a lot of people talking. And then the construction guys were right…literally right outside. So, I can't…I don't…I don't recall if there was.

Javier: When you say people were talking, what was being said?

Romero: I don't recall.

Javier: Who was talking?

Romero: A lot of…everybody was talking. The firemen were talking, Deputy Zeas was talking to me, and…

Javier: But in regards to where the leasing office is where the suspect was, did you hear talk…any language coming from that room or that area?

Romero: I don't recall to be honest. It's been so long. I can't say or, like, remember what…if anything was said coming from there.

Javier: Was there any yelling?

Romero: I remember hearing the [redacted]

Javier: Who was on the opposite side of you?

Romero: Uh-huh (AFFIRMATIVE). Trying to come in.

Javier: But in regards to that leasing office, did you hear any yelling coming from there?

Romero: I don't recall hearing…

McKelvy: So…

Romero: …what I heard.

McKelvy: So, you're saying that the reason why you turned to look in that direction is because you heard movement?

Romero: Yes.

McKelvy: And what, what was significant about that movement versus any other noise you, you could have heard prior to turning to look? That was so significant? Like what, what did…why did you feel the need to see what that noise was?

Romero: Because prior to that, I didn't hear any, any noise.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: When I was standing by the door prior to hearing that, I didn't hear…I couldn't hear what the deputies were saying or I couldn't hear anything.

McKelvy: You couldn't hear…you couldn't even hear them giving the suspect commands?

Romero: No. At that moment when…prior to that. That's what caught my attention.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So just, like, loud sound I guess.

McKelvy: So, in that recording, I have several timestamps of your actions. And if you want, we can…I can show you exactly what I'm talking about. But one minute and three seconds into that video, I see, like, you kind of bending your head down how…something like you would be trying to focus on, like, maybe where you're saying like, "Dang, what's, what's that noise?" I see you do that. And then six seconds later is when you turn and look down I guess to see what the noise is if I'm imagining what you're saying. Is that…could I be articulating…is that what you're doing? Do you want me to show you the video?

Perry: I think it would be better to show the video.

McKelvy: Sure. I'm going to show the video. It's, it's going to be already up. Let me get closer because my eyes are not that great. So, let's see. What is this? (UNINTELLIGIBLE). All right. So, I'm at…all right, you know what? We'll just do this. I'm going to start it from the beginning. And this is a recording that is recorded on Sergeant…at the time, Sergeant Alvarez recording a video monitor in the leasing office at the location. The video is 8 minutes and 55 seconds. So, right now, can you describe for me what this video is showing?

Romero: So, I'm standing by the Whittier Boulevard doors that lead to the main street.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: And there's firemen, two firemen, and Deputy Zeas.

McKelvy: Where are the firemen? I just stopped the video, for the record. Where are the firemen?

Romero: They're inside the building by the double doors.

McKelvy: Are they standing next to you?

Romero: They're across from me.

McKelvy: As…and you're saying that person that's standing next to you, who is that?

Romero: That's Deputy…Detective Zeas.

McKelvy: And the office where the use of force occurred that you described as the leasing office, from where you're standing at this moment that I stopped the video at…I think I'm at 50 seconds in, where is that office compared to where you're standing?

Romero: It's behind me.

McKelvy: Behind you, okay. I'll move forward. Again, we are at the…I believe that's the 50-second mark. So now we're at 58…approximately 58 seconds. And on the video, you could see movement out of that office you described, and I can see bodies…people at that threshold. Right there, did you see your, your head kind of move down…downward?

Romero: To my radio. I was adjusting my radio.

McKelvy: You're adjusting your radio there, okay. All right. So, right here, you're at 1:08 or 1:09. Why, why did you need to…what was going on that you had to adjust your radio?

Romero: I, I don't know if I heard radio traffic or I don't…I just hit my radio. I don't know why I did that.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Usually, I do that. I put my radio up or down depending on if I could hear something that's coming out or not. But I can't remember why exactly I adjusted it.

McKelvy: So, right now we're at 1:09 in, and I see you with your body…with your back to the double doors and your head is moving towards your…turned towards your right…

Javier: Left.

McKelvy: Your left. Thank you. Looking in the direction of where the use of force is occurring. Is…am I articulating that correctly?

Romero: Yes.

McKelvy: All right. And you said why did you do that?

Romero: I believe that's when I heard, like, loud movement.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: So, I turned over.

McKelvy: And then describe for me what you saw when you turned over. Or turning over, meaning you turned to look in the direction of where you heard the noise?

Romero: Right.

McKelvy: And what did you see when you looked down that hallway?

Romero: At the moment, back in time, I don't remember. I just saw, like, bodies…like, deputies by the doorway.

McKelvy: Were…

Romero: Obviously, now in the video I see that something's going on physically.

McKelvy: So, when you say you turned and you saw deputies in the hallway, were, were they moving or were they sitting? Standing? What, what did you see?

Romero: I just saw, like, deputies, but I couldn't…I just glan…it was a glance. Like, it wasn't like I focused my attention. So, I…that I don't recall. Like, I just recall seeing deputies by the door, and then, like, a few seconds after I went to help Peralta because the [redacted] was getting agitated again by the double doors on the other side.

McKelvy: But I'm, I'm talking about what you saw. So, when you say you turn and you just saw deputies…

Romero: Uh-huh (AFFIRMATIVE). By the threshold.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: That's the proper word.

McKelvy: What were they doing?

Romero: Are you asking me, like, now that I see the video or at the moment when…

McKelvy: In time. I'm talking about…

Javier: Based on your…

McKelvy: …the moment in time based on your memory. Like, you saw something and then you did whatever you did. So, whatever you saw, you formed an opinion, or you made a choice of what to do and what not to do. So, when you saw the deputies on the floor…or you didn't even say that. You said you just saw deputies. So, I, I need you tell me, like, when you turned you, you heard something, you turned, you saw something. And you said you just saw deputies. But what were they doing?

Romero: Well, I saw deputies by the threshold of the door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: That's all I saw. Like, I didn't stare to see or focus my attention to see exactly what they were physically doing. It was, like…

Perry: You know, I'd like to request a break here because this is starting to feel…it's not like a witness interview here.

McKelvy: (Talking over).

Perry: This feels like something totally different. I'd like a moment to chat with my client (UNINTELLIGIBLE).

McKelvy: That's fine. And then just when you're chatting…

Perry: Yeah?

McKelvy: …if you want to look at this…

Perry: Yeah?

McKelvy: I'm going to tell you where I'm going with it because it wasn't just, like, one look. It was, like, two looks.

Perry: Right.

McKelvy: You know what I mean?

Perry: Yeah.

McKelvy: So, I'll leave this here.

Perry: Okay.

McKelvy: And we'll go off the record at 1034 hours.

Perry: Okay. Thanks.

McKelvy: We are back on. It is 1047 hours. From Sergeant Javier, Detective Romero, myself, and Perry are in the room. All right. After a break. And then we did look over the hallway camera footage one more time in real time at the request of Mr. Perry. All right. So, again, you said what drew your attention to, to look down the hallway towards the office was, was that you heard a commotion.

Romero: Yes.

McKelvy: So, when you looked, you looked once briefly, and you stated you saw…you just saw deputies. What did you see the deputies doing when you turned to look?

Romero: Obviously now that I've seen the video, I see that there's some…something going on on the ground. When I take…when we go back in time at that moment and I glanced, I just remember vaguely seeing, like, deputies shifting out of the doorway. Clearly now I see that they're…I can't see the suspect, but I'm assuming the suspect's on the…on the ground and they're on the ground as well, the deputies. But yeah, at the time of this incident when I glanced, I just recall seeing, like, deputies shifting out from the office towards the threshold of the door. And then that's all I…

McKelvy: And when you saw that, what were you thinking as far as what you saw? I mean, did you think it was just deputies there? Did you think they were still involved with the suspect?

Romero: I wasn't sure. I just knew the dep…realized the deputies are shifting out of the door.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: But I couldn't tell what was going on and I didn't see the suspect. So, at the time, I didn't know if he had…like, what…exactly what was going on at that particular moment.

McKelvy: And at that particular moment…did you think if there was a use of force going on, did you think that everything was o…over and Code 4?

Romero: No. If…I'm sorry, if there was a…

McKelvy: When you turned to look.

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: Based on what you were saying you're…you recall seeing and not…and not being sure what it was you were seeing that the deputies were doing…

Romero: Uh-huh (AFFIRMATIVE).

McKelvy: Did you think that situation was Code 4?

Romero: I didn't think it was Code 4 because I never saw the suspect, like, handcuffed and, and secured. So, I didn't think it was Code 4 at the time.

McKelvy: And then again, after reviewing the video again, we see you first look and then you, you turn back, you know, away from looking down the hall. And then you turn again, I think about twi…two more times at, at a longer time period that you were looking down there. What did you see when you looked down there those other two times?

Perry: I think it was only one other time. But it could…I could be wrong too, but…

McKelvy: Yeah.

Romero: What I recall when I looked over in that direction…

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: …was just seeing the deputies by the threshold of the door. I don't recall them being on the ground. And I, I don't recall seeing that. I know it looks…in the video it looks like I'm looking that way. But at the moment, my attention was in multiple, multiple places. So…

McKelvy: Tell me more about that.

Romero: Well, I was standing here, and I was looking towards Peralta because the [redacted] was there with another male trying to come in. So…

McKelvy: So, at that point, the [redacted] was still on the opposite…on the exterior courtyard area where Peralta was standing on the inside?

Romero: From what I recall, yes.

McKelvy: Could you hear her from where you were standing?

Romero: I couldn't hear what she was saying, but I could hear noise coming from her.

McKelvy: Uh-huh (AFFIRMATIVE). So, we see you in the video you looked down towards the deputies and then we see you cross over that hallway going I'm assuming to Peralta?

Romero: Yeah. Yes.

McKelvy: And then you said why did you go over there?

Romero: So that she wouldn't come in because it looked like she was trying to push the door.

McKelvy: So, you wanted to help…secure the door?

Romero: Yes.

McKelvy: When you walked towards Peralto to assist him, did you look in the direction of where the deputies were? The ones that were coming out of the office where the suspect was?

Romero: In the video, it looks like I looked that way. But that's all I saw. Deputies, like, by the threshold coming out.

McKelvy: Uh-huh (AFFIRMATIVE).

Javier: Mind if I just break it down a little?

McKelvy: Go ahead. Yeah, yeah, yeah.

Javier: So, the first time you glanced over, you said you saw deputies at the threshold of the doorway. You didn't really describe what you saw, you just saw deputies. What were the deputies doing at the threshold?

Romero: I couldn't tell you.

Javier: Were they standing? Were they sitting? Were they laying down?

Romero: From what I recall, they were standing.

Javier: They were standing, okay. And then in the video you go back, you stop looking after that moment, and then a few moments later you turned to look again. What do you see on that second time you turn to look again?

Romero: I can't recall. I just recall seeing deputies by the threshold standing. I don't…

Javier: The second time?

Romero: Yeah, I don't…that's all I remember from when I turned over. Whether it was one time, two times, three times, four times, that's what I, I remember from that moment.

Javier: Can we just play it back the second time she turns?

McKelvy: Uh-huh (AFFIRMATIVE). Yes. So, I'm going to start it at 1:31. I noted at 1:33. Here we go. That was about four seconds. Is that what he's referring to, Sergeant?

Javier: Yeah. So, the second time, you turned and looked for approximately three, four seconds down the hall.

Romero: Yeah, like I said, obviously now I see them there on the ground. I could…like, I'm watching it on video. It's, like, my per…perspective…perception is different now because I could see what actually happened. But at the moment when I looked, I, I don't even recall how many times I, I turned my head. Obviously, I know now that I'm looking at the video. But what I recall is the deputies coming out from the threshold. I nev…I don't recall them being on the floor. I remember them…just seeing them standing, shifting through that door.

Javier: So, you don't recall the moment?

Romero: I didn't see any force if that's what you are trying to ask me.

Javier: I'm just trying to ask you what you observed (talking over).

Romero: Yeah because obviously there's force going on. It looks like it. But I didn't…that's not what I witnessed.

Javier: So, you didn't see them on the floor like this?

Romero: No.

Javier: When…at…based on your memory from the incident?

Romero: No. Obviously I see it now on video. But at the moment in January, no.

Javier: Prior to this, were you aware of any tactical plan that was going to occur to apprehend the suspect?

Romero: I didn't know the details on the tactical plan. I just knew that they formulated a plan.

Javier: But you didn't know any details of that plan?

Romero: Correct.

Javier: So, you weren't involved in any planning? No one told you, "Hey, this is what we're going to do in order to apprehend the suspect"?

Romero: Not that I recall, no.

Javier: While you were in the hallway, did you hear the use of any less lethal options used on the suspect?

Romero: I don't recall hearing less lethal options.

Javier: And was your body-worn camera ini…activated at this point? We don't have…the reason I ask, is we don't have any from this point. So, I just want to know, was it activated at that time?

Romero: I don't recall if it was ac…I activated it, but I don't know if…

Javier: At this point if it was activated?

Romero: Yeah. I haven't reviewed all my body-camera. But…

Javier: Yeah, I asked because there's no camera footage from this.

Romero: Oh, then it probably wasn't on at that moment when I was standing by the doors.

McKelvy: So, eventually, did you see the suspect?

Romero: Eventually, I saw the suspect, yes.

McKelvy: What was his demeanor when you saw him?

Romero: His demeanor? When I saw him he was on the gurney.

McKelvy: So, it was after the force?

Romero: Yes. And I saw him…I don't…I don't recall anything el…like, standing out of his demeanor. Like, he's just on the gurney.

McKelvy: Did you observe any injuries on the suspect?

Romero: Yes. Until I went to the hospital though.

McKelvy: So, if…you said you did see him on the gurney?

Romero: Yes.

McKelvy: But you didn't observe that he had injuries when he was on the gurney?

Romero: No, not that I recall seeing his injury.

McKelvy: So, when you saw him on the gurney, where were you?

Romero: Across on the double doors.

McKelvy: And what did you observe of him on the gurney?

Romero: Just his body on, on the gurney. And if I recall, I think the firemen were tie…trying to tie, tie him up.

McKelvy: Uh-huh (AFFIRMATIVE).

Romero: Tie…put the re…

Javier: Restraints?

Romero: Secure him onto the gurney.

McKelvy: And you were at…back at that north door?

Romero: Correct.

McKelvy: Did you see when he was escorted through the south doors on Whittier Boulevard?

Romero: I vaguely remember, like, the…kind of seeing the gurney going with the firemen.

McKelvy: Uh-huh (AFFIRMATIVE). But you were still back at the north door?

Romero: I believe so.

McKelvy: So, when…where were you exactly when you observed that he had injuries on his eye…on his face?

Romero: At the hospital.

McKelvy: And you were where at the hospital? Were you at the…at his bedside or…

Romero: Right outside his room.

McKelvy: And what did you observe?

Romero: He had, like, swelling to his eye.

McKelvy: Uh-huh (AFFIRMATIVE). Did you reflect that in your report?

Romero: Yes.

McKelvy: Are you certain of that or (UNINTELLIGIBLE)?

Perry: Just take a look first here. (UNINTELLIGIBLE).

Romero: I'm sorry. It was bruising to the…to the eye.

McKelvy: And that's what you wrote in your report? Bruising?

Romero: Correct.

McKelvy: To the eye?

Romero: To the left eye.

McKelvy: Left eye? Were the…those the only injuries that you observed of the suspect?

Romero: The only injuries?

McKelvy: Yeah.

Romero: Yes.

McKelvy: And just to clarify what my partner asked, did you ever hear the taser being employed?

Romero: Not that I recall.

McKelvy: And did you ever hear the 40 being deployed?

Romero: No.

Javier: Were you ever notified that those less lethal options were utilized on the suspect?

Romero: I'm sorry, was I able to?

Javier: Did, did anyone ever tell you that, "Hey, we used the 40 on the suspect" or "We tased the suspect?"

Romero: No, not that I recall anybody telling me, specifically that. No.

McKelvy: Do you have anything you want to add Mr. Perry?

Perry: No.

McKelvy: All right. Other than what we've asked you and what you've articulated from the report and from seeing the videos, Deputy Romero, is there anything else you feel should be of note in regards to this incident?

Romero: No.

McKelvy: With that we're going to go off the record at 1100 hours.

FO 2570670

WITNESS INTERVIEW

JUAN PEREZ

McKelvy: We're on the record. Today is October 16, 2023. The time is 1006 hours. I'm Sergeant Ermina McKelvy and with me is Sergeant Dwayne Javier. We're both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau office which is in city of Commerce and we are in interview room B. Being interviewed today is – scratch that. This is a witness interview regarding a force investigation under case number FO 2570670. This incident occurred on January 17, 2023. Being interviewed today is Deputy Juan Perez. Deputy Perez, please state and spell your first and last name for the record along with your employee number.

Perez: Yes, good morning. Deputy Juan Perez, first name Juan, J-U-A-N, last name Perez, P-E-R-E-Z, employee number [redacted]

McKelvy: Okay thank you. So, Deputy Perez, prior to going on record I provided you with the Administrative Rights form. Did you get a chance to read the form?

Perez: Yes ma'am.

McKelvy: You understand that form?

Perez: Yes ma'am.

McKelvy: I do see that you checked YES on both boxes stating that you do have the Policy and Ethics Chapter of the Manual of Policy and Procedures and that you are familiar with its contents, is that correct?

Perez: Yes ma'am.

McKelvy: And did you sign and date the form?

Perez: Yes ma'am.

McKelvy: Okay. Alright so, Deputy Perez, where were you assigned to work on January 17, 2023?

Perez: I was assigned at the East LA Station for the Mental Evaluation Team.

McKelvy: Okay. How long have you worked for the Mental Evaluation Team?

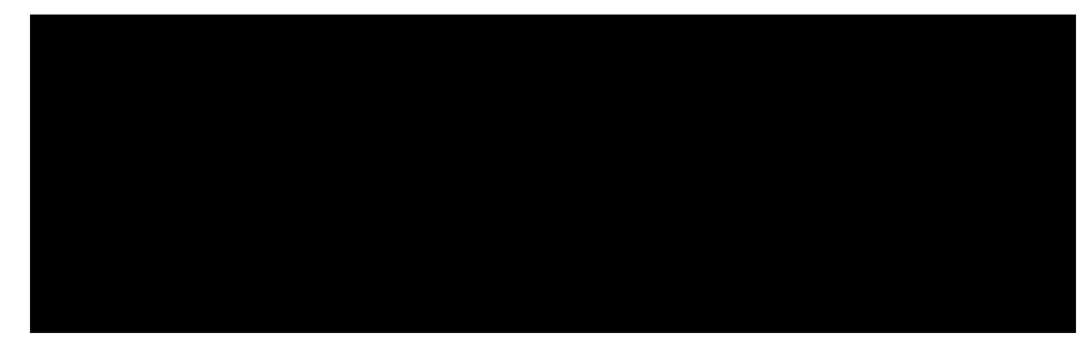
Perez: Approximately, approaching five years.

McKelvy: Was that at the time of the incident?

Perez: At the time of the incident four years.

McKelvy: Okay. What is your training and expertise in the field of the mental health evaluation?

Perez: [redacted]



McKelvy: Okay.

Perez: We're a MET deputy and a [redacted].

McKelvy: And then just to confirm, when you say MET is that an acronym for Mental Evaluation Team?

Perez: Yes ma'am.

McKelvy: Okay. When you respond to incidents in the field what is your primary role?

Perez: My primary role is to deescalate a situation of an individual in a crisis. Also, [redacted].

McKelvy: Okay. And when you respond to calls, say for instance this one on January 17th, was that somethin' that you self-initiated or was that a request?

Perez: I was monitoring the radio, the East LA's dispatch channel when I heard a broad, a, a radio traffic where the deputies stated they were following

a stolen car suspect and it mentioned that the suspect had [redacted] and off his [redacted].

McKelvy: Um-hum.

Perez: And at that point we, we self-dispatched to their call.

McKelvy: Um-hum.

Perez: We were actually heading to, I was going to the Norwalk Building to get a blue check. I was already, I believe, on Imperial when I heard that call. So, we made a U-turn and we self-dispatched to that call to assist them.

McKelvy: And for the record what is blue check? What is that for?

Perez: Oh, it's a mobile identification device that had an appointment to go get one and that's where we were headed at that time, when that call came out.

McKelvy: Okay.

Javier: I know earlier you said [redacted] training.

Perez: Yes.

Javier: You mentioned your [redacted] training.

Perez: Yes.

Javier: What training did you have with mentally ill individuals?

Perez: [redacted]

Javier: [redacted]

Perez: Absolutely, yes.

Javier: - that you see in the field?

Perez: Absolutely.

Javier: And for each different mental illness in the field you are able to use a different tactic --

Perez: Abs --.

Javier: - in order to gain compliance?

Perez: That's a hundred percent, yes.

Javier: Okay that was it.

McKelvy: Um-hum. Okay so this call ended up at [redacted] Whittier Boulevard. We had a suspect Eli Matthews. Do you remember this individual?

Perez: Yes, I remember.

McKelvy: Okay. Tell me about your interaction with Eli Matthews.

Perez: Okay. When we arrived, the deputies stated that he had locked himself in a closet in a public lobby from what, from the apartment, I think it was an apartment building. And so, he was locked in the closet. The deputies were, were outside the closet trying to talk to him. But he was agitated. So, my first interaction while he's still inside the closet, I began engaging in verbal communication in an attempt to deescalate him 'cause he was agitated, you know? So, I, you know, I, I just, my job was just to talk to him to see if I could help him. He, he told me, he was upset. He was telling deputies that they did, they didn't have a warrant so they couldn't you know, he they were, he, they couldn't come and get him 'cause they needed a warrant and he stated that he owned the building. So, he was kinda slightly delusional saying oh he, he said he owned the building, and he was not gonna come out, you know? So, I just began talking to him, trying to get more information from him but after, after a like I think 18, 20 minutes, he became more agitated. So, you know, I was unable to deescalate him.

McKelvy: Um-hum. So, from your understanding why was it that the deputies were making contact with him?

Perez: The deputies stated that he had stole[redacted] car and that he had you know, ran to that location and he denied it. He, he said, the suspect stated that he just wanted to go to [redacted] apartment to get, grab a phone charger. He said I, he denied stealing the car. He

was really upset with [redacted] you know, 'cause he said that you know, [redacted], the [redacted] on him. He couldn't even get in. So, he was really agitated with [redacted] was the trigger, you know? But he denied he stole the car. He never admitted to stealing the car.

McKelvy: So, you mentioned that you, you spoke with him for about 18 to 20 minutes. Was that a continuous conversation or was there a break?

Perez: I think there was a couple breaks because at one point I asked him, -- Do you have medical issues? --, you know? 'Cause I think the paramedics were standing by. So that sometimes is for me used as a tactic, if anything, -- Hey can they check you out? Can they check your vitals? --, just so he can come out. He said he has like an [redacted] or [redacted]. And then he said, I told him, -- Are you gonna come out? --. He said, -- Yeah, I'll come out. --. So, at that point I, that's when I, I think I took a break to go tell the sergeant that he was gonna come out so to be ready you know?

McKelvy: Um-hum.

Perez: But he changed his mind. Once --.

McKelvy: Meaning the suspect?

Perez: The suspect changed his mind and then once we, deputies opened the door so he could step out he shut the, he pulled the door again, closed it.

McKelvy: Um-hum.

Perez: So, he's kinda like manipulating the situation

McKelvy: Um-hum.

Perez: And I think that was one break that I took. But I think I took a couple breaks to tell, to just give the – so I guess, normally when, when you negotiate, usually we have two or three deputies there, if we're still negotiating cause you know, about that, if I'm, I'm by myself I don't have someone connecting, go tell the sergeant what I'm, what I'm telling the, what I'm talking to a suspect about. So that's why I had to take a break cause I'm by myself, you know? So, I hadda go tell a sergeant what, what, what was going on.

McKelvy: Okay when you say that you were by yourself, what do you mean by that?

Perez: In a, in a, in a negotiation --. The day that I went I was there as a MET deputy.

McKelvy: Um-hum.

Perez: Not as a crisis negotiator.

McKelvy: Okay.

Perez: When CNT is called out, we have a full team.

McKelvy: Um-hum.

Perez: You know? Which we, I don't have to take a break 'cause whoever is with me can go relay the information to the sergeant, to the tactical team, to the intel, you know. We're a team. But when I'm there by myself as, as a MET deputy, I'm by myself. So, whatever like what he told me, he was gonna come out to get checked by the paramedics, I need, I need to go tell the sergeant that you know?

McKelvy: So --

Perez: Um-hum.

McKelvy: - were there other deputies on scene in that room with you?

Perez: They were there but they all had like a, like they had a tactical plan.

McKelvy: Um-hum.

Perez: They all had a, a, a I guess a tactical function to perform, and I also wanted to give the suspect a couple minutes so that he could think about it, you know? 'Cause a lot of times giving them a little space, a little time helps the de-escalating situation.

McKelvy: Um-hum.

Perez: So, I wanted him to like give him a couple minutes, think about it. I'm gonna go tell the paramedics that you're here, you're gonna come out, so that just give him more time.

McKelvy: Um-hum.

Perez: It's, and I didn't wanna rush him you know?

McKelvy: Right, okay. So, the fact that you didn't want to use any of the deputies that were in the room with you it to relay to sergeant – which sergeant was that?

Perez: Sergeant Alvarez.

McKelvy: Alvarez?

Perez: Uh-huh.

McKelvy: Okay. The fact that you didn't want to use any of those deputies to relay the information that would've normally been done by one of your team members with the MET Team --

Perez: Yes.

McKelvy: - you, you said you didn't want to use them because they all had their positions to do and --.

Perez: They and that was one reason but not the only reason.

McKelvy: Okay.

Perez: And like I said, again also to give him time to not pressure him. (unintelligible) too. So, he could think about it. Eh, you're not, you're, you're gonna be okay. You know, my, my job's to reassure him that he was not gonna be hurt, that we're gonna give him the time.

McKelvy: Okay.

Perez: Cause we're, I'm not, I wasn't there to rush him to get outta there, you know?

McKelvy: Um-hum.

Perez: That's why it, it helps a lot to take a little break. 'Cause that way he could think about it, you know?

McKelvy: Okay. So, at that point, your assessment with him, I looked at, at the body-worn camera footage.

Perez: Okay.

McKelvy: And I think in total you, you spoke with him like about 30 minutes.

Perez: Was it 30? Okay.

McKelvy: Yeah, so it was a long time.

Perez: Okay.

McKelvy: Yeah. So based on your, your --

Perez: Um-hum.

McKelvy: - interaction with him, in your expert opinion what was, how would you have described his state of mind.

Perez: His state of mind was slightly [redacted] He, he easily got agitated and he lacked insight.

McKelvy: Um-hum.

Perez: He did not recognize anything wrong he was doing. You know and that's typical for someone that, you know, I'm not sure if he was under the influence as well. That could have possibly been the case. Because it's an individual that, that was upset with [redacted]. He, he stole [redacted] car but denied stealing the car. He claimed he owned the building but then he said he was homeless, he didn't have money. So, he was like slightly [redacted] and he lacked completely insight. So, he doesn't get it that he was wrong. So those are the individuals that are, are, that, that I would place on a hold if, if he didn't, if there was no crime involved, I could definitely place him on a [redacted] hold --

McKelvy: Um-hum.

Perez: - because of his history, because of his [redacted] because of his aggressiveness, he easily gets agitated, unpredictable. All those would've been criteria for, for a [redacted] hold.

McKelvy: Hmm, okay. Now you said that you don't know if he was under the influence but he was exhibiting signs that he could possibly have been under the influence.

Perez: Yes.

McKelvy: Of what's, what, what was the substance would you associate that with?

Perez: I would say more like a stimulant.

McKelvy: Um-hum.

Perez: Uh-huh. 'Cause he was very talkative and, and yeah, he was just like not, not making sense at times, you know? He easily got agitated.

McKelvy: So, when you say that everything that you just described as far as his, his demeanor, and that you, he exhibited the signs of something of a person that you would've placed on a hold.

Perez: Yes.

McKelvy: Do you --?

Perez: Assuming that there was no crime.

McKelvy: Um-hum.

Perez: Yeah. He, he would've met criteria for a [redacted] hold.

McKelvy: Okay. Now is – a [redacted], a 5150 hold?

Perez: Yes.

McKelvy: Under danger --?

Perez: Danger to others.

McKelvy: To others!

Perez: Uh-huh.

McKelvy: Okay.

Perez: Yes.

McKelvy: And how would you have said, articulated him being in a danger to others?

Perez: He, because he's, his aggressiveness, because he was threatening to fight, he was, he's, he armed himself with a, with a weapon. He said he

had a broom or, or something and he wanted to – he was challenging us to go in there to fight us. So, in, and the fact that he stole [redacted] car, he was very irritated with [redacted] You know, that would've been you know, – assuming there was no crime. 'Cause a [redacted] hold is non-criminal.

McKelvy: Um-hum.

Perez: So, you know, that's a, it's a, it's a criteria for a non-criminal [redacted] hold. But because there was a crime, so the crime supersedes a non-criminal [redacted] hold.

McKelvy: Okay. You have anything so far?

Javier: I know you said he was agitated. Can you describe a little bit more in detail what his agitate, how he was agitated?

Perez: Yeah, he, he, he would answer some questions but then he would, he would threaten to fight us. Like he would, he would, he, he said he had a weapon and if we went in there, he was gonna fight us. Something like to that effect. He said, -- Come in here and see what happens to you. --, you know? He told deputies, -- Use force. I don't care. I'm not gonna do the right thing. If you come in here, I'm gonna, I'm gonna, I'm gonna, somethin's gonna happen to you guys. --, somethin' like that. So, he was, he was, he easily got agitated. He would answer some questions but then he would, he, he, he'd you know, his, his tone and, and, and language was more like agitated, you know?

Javier: When he says, "use force", were those his actual words he used, "use force"?

Perez: I think so. I, I think he said, -- You guys can use force to, you know, to – you're gonna have to use force or something. --, something like that.

Javier: And by him saying that, would the entail something to you about his history with law enforcement?

Perez: I didn't know much about his history with law enforcement. I just knew [redacted]

Javier: And how'd you know about his history?

Perez: My partner, my DMH partner usually tells me you know, whatever she can tell me while we go to the call.

Javier: And where would she get that information?

Perez: She gets her information from, from the desk. The desk will send her like an email with his [redacted] history.

Javier: And what do you mean by the desk?

Perez: Oh, our triage desk. You know when we self-dispatch to the call, she, they automatically, they, I think the name was on the call or, or my – I'm not sure my partner provided the name to them, to the desk clinician. But she was able to get some information you know, about his, about his [redacted]

Javier: Okay.

McKelvy: And who's your – you said DMH, what does that stand for?

Perez: Departmental Health Clinician. We have one at the desk and I had one in the field with me.

McKelvy: And who is that person's name?

Perez: My partner was [redacted]

McKelvy: Okay.

Javier: Can you spell that for the record?

Perez: [redacted]

McKelvy: Um-hum. So, based on, on your, on your interaction with Suspect Matthews, what concerns did you have about the situation that he was in at that point?

Perez: My concerns is that he was, he wasn't stable. He was not [redacted] in a stable situation. He was slightly [redacted]. You know, his actions of stealing [redacted] car, running, denying he did it, stating that he owned a building when he's later saying he was homeless, he didn't have any money. The fact that he – my partner had told me that he was not following up with [redacted]. Like he's not going to his [redacted] and the fact that he was in a public

lobby where the workers that were there were kinda in fear, you know? And, and the fact that [redacted] in that building, so it's a combination of things that we just couldn't walk away without, leaving him there, per se. That, that was not gonna work out.

McKelvy: Um-hum.

Perez: Uh-huh.

McKelvy: Did you express your concerns to Sergeant Alvarez?

Perez: Yes. Yeah, he, I, I, I told Sergeant Alvarez, 'cause he asked me. He said, -- What do you think? I said, -- Well, like I said right now, -- Based on everything, it's not, he's not gonna be stable there. --, you know? -- He's not gonna, he, he, he's not [redacted] stable and he, he's, the, if, you know, if he, he, it's not one that you can walk away without just like we can't do a safety plan, you know? We couldn't walk away. My partner was not able to do a safety plan, leaving him there.

McKelvy: Tell me more about safety plans.

Perez: Safety plan is when you, when you have an individual that slightly meets criteria, but they have a, there's a safety plan where an adult or someone in the house can, can take care of 'em or they get a, or they could, someone could help 'em you know? That or there or there's not gonna be a danger to anyone, you know? That would be like a safety plan that we are able to do sometimes.

McKelvy: Um-hum.

Perez: But in this situation like I said, there was a crime involved. So, my function there that day, my understanding was not so much to do an assessment to place him on a hold. My, my function that day was to de-escalate because they told me he was a felony suspect, felony, a stolen car suspect. So, my function was to de-escalate.

McKelvy: Um-hum.

Perez: Not do much to [redacted] assess to place on [redacted] hold.

McKelvy: Okay, I understand. Okay and so, you mentioned that your partner Erika --

Perez: Um-hum.

McKelvy: - she was on scene. Did she speak to suspect Matthews?

Perez: I don't believe she did. She spoke to Suspect Matthew's mom.

McKelvy: Um-hum.

Perez: 'Cause I, I told her, -- Go talk to [redacted]. See what more information you can get. --. Unfortunately, I think that was one of the breaks that I took as well, when she came to me and told me that [redacted] was totally uncooperative. She said, -- You know she actually didn't wanna even give me eye contact. She was very rude, and I couldn't get much from her. --. That's what she told me.

McKelvy: Um-hum. And the goal of speaking to the [redacted] was to get additional information about the suspect.

Perez: Yes.

McKelvy: Um-hum.

Perez: To get more information, to see if, you know, if he's under the influence, is he using drugs or what, what was that, you know. It's just to get any additional information that we could gain for him.

McKelvy: Okay. So, you spoke to Suspect Alvarez [sic]. [redacted]

Perez: Dude --.

McKelvy: - spoke to the [redacted] the suspect --.

Perez: Sergeant. Alvarez

McKelvy: I'm sorry, Matthews.

Perez: Uh-huh yes.

McKelvy: Yes?

Perez: Yes.

McKelvy: Okay. And is this common in situations like that where the licensed clinician would not speak to the suspect?

Perez: Very common, yeah.

McKelvy: Tell me more about that.

Perez: Yeah, licensed clinicians are not crisis negotiators.

McKelvy: Um-hum.

Perez: So, in a situation like that I would not have her try to negotiate with him because that's not what they're [redacted] for. They don't have the [redacted] and so, you know, she, my, my, the function that day for her was to try to get me information. That's what I, the way she was helping me.

McKelvy: What sort of information?

Perez: Any information that, that could help me.

McKelvy: Um-hum.

Perez: That you know, and whatever additional history, [redacted] history, if he was using drugs, if, if there was a weapon, if you know he's got military experience, any information that is useful.

McKelvy: Um-hum.

Perez: That's, that's what really --. Yeah, but they don't, they don't, clinicians do not negotiate at all.

McKelvy: Okay then. You have anything?

Javier: So, just to be clear, with the, the lack of the safety plan that you were able, that you were not able to put in place, based on what you observed there, was it safe to leave Suspect Matthews on his own?

Perez: Yes, once again, there was no, no mention or we never had a thought of making a safety plan because there was a crime.

Javier: Okay.

Perez: You know we were there as soon as we, as we arrived, we were informed that he was a felony suspect, stolen car felony suspect. So, right off the, right away I, I knew I wasn't there to [redacted] assess this individual for a [redacted] hold. So, I knew my function was to de-escalate. 'Cause I'm the [redacted] there, deputy with mental health.

McKelvy: Um-hum.

Perez: So that was my function to, to de-escalate the situation so that the deputies could talk him into custody you know, without, without any force.

McKelvy: Okay.

Perez: That, that was the goal.

McKelvy: Um-hum. What were your recommendations to Sergeant Alvarez?

Perez: Usually I, I don't recommend. Like he asked me, -- What do you think? How did he, how is he doing? So, I told him that he was unstable, that he was [redacted], that he easily got agitated and that he was actually getting more agitated as, as I was speaking to him more.

McKelvy: Um-hum.

Perez: I said, -- And you know what? He, he, he, he start arming himself. And the suspect told me that he had a broom. That he was ready to fight, that he – so, at that point after like you said, 30 minutes, I thought it was less, but things were getting worse so at that point I, I told the sarge, -- You know what? He's getting more agitated. I'm not makin' any progress. --. So, after 20/30 minutes, patrol has to make a decision either to keep talking to him, it turns into a crisis negotiation situation or they disengage or they go ahead and, and go tactical.

McKelvy: Um-hum.

Perez: But that I had no control over.

McKelvy: Um-hum.

Perez: You know that's the sergeant decides what they're going to do.

McKelvy: Yeah.

Perez: Either they, they go tactical, they call the CNT to continue negotiating or, or they disengage. And I don't think disengaging was the good option because everything that had occurred.

McKelvy: Right.

Perez: And the fact that he's not, he wasn't stable. The fact that he was in a public lobby. The people were afraid and [redacted] was the, he was upset with [redacted] and [redacted].

McKelvy: Um-hum.

Perez: For all those reasons was not a good situation to leave him there.

McKelvy: Yes. After you gave your assessment to Sergeant Alvarez, what did you and [redacted] do?

Perez: Okay after we give information, the deputies stated they were going to arrest him. So, once they, they make a decision that they're going to arrest him and possibly go talk tactical, we get out of the way.

McKelvy: Um-hum.

Perez: Because at that point and I, I'm not going to negotiate anymore. So, I told [redacted] -- Let's go outside because we gotta get outta harm's way, you know? So, we, we walked outside to the sidewalk.

McKelvy: Um-hum.

Perez: To the front of the building.

McKelvy: And just to confirm, you were equipped with your body-worn camera.

Perez: I was.

McKelvy: And you activated your camera.

Perez: During the incident when I was talking to the suspect, yes.

McKelvy: Um-hum. And so, when did you, when did you turn your camera off?

Perez: When I, I think when I, when I spoke with Sergeant Alvarez, you know? That's the time that I, I turned it off because I, I, I wasn't gonna negotiate anymore and I didn't wanna go over tactics. You know, I'm not sure what tactics they have, so that's the time that I turned it off.

McKelvy: Um-hum. Okay, so you said yourself and [redacted] walked outside.

Perez: Yes.

McKelvy: Did you hear anything that the deputy personnel did once you walked outside as far as them, their tactical plan to arrest --

Perez: No.

McKelvy: - the suspect? Okay. Did you witness any force?

Perez: No, I did not.

McKelvy: And you said you didn't hear any commands that were given or anything of that nature.

Perez: No.

McKelvy: Did you see Suspect Matthews once he was taken into custody?

Perez: I saw him. He was on the gurney.

McKelvy: Um-hum.

Perez: I saw him going into the ambulance, already on the gurney.

McKelvy: Okay.

Javier: When you say walked outside, this, he was inside of a closet, inside of a lobby, inside of an apartment complex.

Perez: Yes.

Javier: When you say you walked outside, what do you mean by that?

Perez: I walked outside the building and me and [redacted] were standing on the sidewalk at the corner, on the curbside.

Javier: Okay, so outside the building.

Perez: Outside the building yeah.

McKelvy: Now when you saw Suspect Matthews on the gurney, did you see any injuries that he may have sustained?

Perez: He, I saw something in his face. I'm not sure if he was like, I think he was bleeding from one side of his face. I can't recall which side.

McKelvy: Did you speak to him at that point?

Perez: I did not, no.

McKelvy: When did you leave the scene?

Perez: When they were try, they were rolling him on the gurney and he got into the ambulance. At that point we left.

McKelvy: Okay. When you made the decision to walk outside on the sidewalk and you stayed on scene, what was your role at that point?

Perez: At that point I, I was already done with trying to de-escalate because they were going to go tactical. So, at that point I had no role anymore. They, I had no decision making --. I, I was, I was there just to, in case they needed me but I was not needed anymore.

McKelvy: Um-hum.

Javier: And after the suspect was arrested what role do you have if any with the suspect?

Perez: Not, none at all.

Javier: Nothing having to do with planning for a 5150 hold?

Perez: No. My role is I, I prepare reports, which we call it a Mental Evaluation Team Contact Sheet which is our, the report we prepare, and I send it to my unit just like other reports but every time there's a use of force or there's, there's a criteria that we have that we, we have a, a RAMP unit, Risk Assessment Management Program Team. They follow up on those, those type of cases. So, I'm not sure who followed up on that case.

McKelvy: Um-hum.

Perez: Actually, I think it was Deputy Kibic. In our unit, he's the one that follow up on that case.

McKelvy: How do you spell his name?

Perez: K-I-B as in Boy-I-C.

McKelvy: Um-hum.

Perez: Yeah, I believe he's the one that, that followed up.

McKelvy: So, based on the fact that Matthews was a felony suspect in a [redacted] crisis, your criteria in determining whether you're going to place him on a [redacted] hold or not is the fact that he was a felony suspect.

Perez: Yes, because a, a psychiatric hold 5150 is non-criminal.

McKelvy: Um-hum.

Perez: But so, in that case, he had committed a felony. He was a felony suspect so a 5150 goal is, is not a, is not the proper way. If we have a felony crime, it supersedes a non-criminal 5150.

McKelvy: So, you guys don't ever place someone on a 5150 hold and maintain contact with the hospital when he's clear to go ahead and proceed with the criminal aspect of the situation.

Perez: No, we do like I said, our RAMP unit, they get involved because those type of – any use of force, threats of violence, there's a criteria where they follow up on those cases, our, our, that particular unit.

McKelvy: But still its, the suspect's gonna get arrested first.

Perez: Yes.

McKelvy: And then --.

Perez: He's gonna get arrested. Once in jail they, they coordinate with the J, the Jail Mental Health Team.

McKelvy: Um-hum.

Perez: And they, they coordinate with each other. But, that I have no idea how they do that.

McKelvy: Um-hum.

Perez: And that's not what I do.

McKelvy: Okay.

Perez: Um-hum.

McKelvy: Alright. Anything?

Javier: (No audible response.)

McKelvy: That's all the questions I have for you Deputy Perez. Thank you for explaining that to us. We're gonna go off the record at 1038 hours.

Perez: Thank --.

FO 2570670

WITNESS INTERVIEW

[redacted]

McKelvy: We're on the record. Today is October 16, 2023. The time is 1040 hours. I am Sergeant Ermina McKelvy and with me is Sergeant Dwayne Javier. We're both assigned to the Los Angeles County Sheriff's Internal Affairs Bureau under the command of Captain Ron Kopperud. We are at the Internal Affairs Bureau's office in the city of Commerce in interview room B. This is a witness interview regarding a force investigation under case FO 2570670. This incident occurred on January 17, 2023. Being interviewed today is licensed social worker clinician. You got, you can tell me your title Miss [redacted]. Please state and say a, say your first and last name, your employee number and give me your accurate title.

[redacted]: Okay. My name is [redacted]. Do you want me to spell that?

McKelvy: Yes, please.

[redacted]: [redacted] are my employee numbers. I'm with the Department of Mental Health. My title is Psychiatric Social Worker II but I'm a licensed clinical social worker. That would be like my professional title.

McKelvy: Thank you. So, on January 17, 2023, where were you assigned?

[redacted]: I'm out of East LA Station with Henry 918 Adam 1, Deputy Perez was my current partner at the time.

McKelvy: Um-hum. And what, what is your role in that space?

[redacted]: So, I am the clinician assigned with a deputy. Henry 918 Adam 1 is the central unit, but we are co-located at East LA Station and so my primary role is to respond to calls of service either by self-dispatching or deputies request us and I evaluate the client or whoever they want me to evaluate to see if they meet criteria for a psychiatric hold.

McKelvy: Okay. Do call, do you recall going to [redacted] Whittier Boulevard on January 17, 2023?

[redacted]: Yes.

McKelvy: Can you give me a, just a, a brief synopsis of how you ended up there and what occurred?

[redacted]**:** So, we heard the call. So he, Deputy Perez usually monitors whatever area we are in. And so, we heard the call come out and just the transgression [sic] of it. So, we decided to self-dispatch to the call because we heard that he ended up inside of a, like a room, what do you call it? Like a utility room or something like that. So, we self-dispatched there and once we arrived, we talked to Sergeant Alvarez and I wanna say the handling deputy. They were kind of in the middle of dealing with the situation. And that's pretty much how we got involved.

McKelvy: Okay. When you were there, what was your understanding of this person? It was Suspect Eli Alvarez [sic]. What was your understanding of his [redacted] condition?

[redacted]**:** So, I sent the information, the name to our triage desk. The clinician there came, tapped into our database with the Department of Mental Health and every person that have had contact with the department has a chart, a virtual chart. And so, in that we can look at the last hospitalization, their maybe diagnosis from someone in the past. So, I got that information in regards to his [redacted] history.

McKelvy: And what was his diagnosis?

[redacted]**:** I, I don't know if I can disclose.

McKelvy: Okay.

[redacted]**:** Because it's his medical record.

McKelvy: I understand.

[redacted]**:** Yeah.

McKelvy: We were told by [redacted] that he was diagnosed as [redacted] and [redacted] So, in that space, what kind of, what, what would a person like that exhibit? Like what, what kind of behavior would they exhibit?

[redacted]**:** So, going into this, 'cause she also mentioned to me that he was [redacted] So going in, based on the diagnosis I read in maybe some history where there's contact in engaging services. The presentation with that

would be not [redacted] With [redacted]

McKelvy: Okay.

[redacted]**:** In what I heard when Deputy Perez was talking to him, because I was standing by next to him for some periods of time, I was kind of in and out of the room. Usually based on my safety and scenarios then I might get close or not, or I keep my distance just because you know, the space was really small.

McKelvy: Um-hum.

[redacted]**:** So --. And hearing him, he was like cognitively aware of the situation. I just remember him being upset, saying that [redacted] the one that set him up or whatever. In talking to her about his [redacted] she wasn't very forthcoming with information. She was not really trying to talk to me. But she did mention [redacted] so --.

McKelvy: Um-hum. Did you speak to Suspect Matthews yourself?

[redacted]**:** No.

McKelvy: You didn't have any act, interaction --

[redacted]**:** No.

McKelvy: - with him. And you did mention that you were in that office where he was, he had locked his self in that closet.

[redacted]**:** Um-hum.

McKelvy: At some times you were there in that room while Deputy Perez was speaking to the suspect.

[redacted]**:** Right.

McKelvy: Okay. So, when you go out to the scene and either you speak with the suspect or you call him the, the client, or the deputy that you're partnered up with speak, is it a situation where both you and the

deputies confer with each other to determine what's the, the best route to take with that client?

[redacted]: Mostly.

McKelvy: Um-hum.

[redacted]: It depends on the deputy honestly.

McKelvy: Okay.

[redacted]: Every deputy has their ways.

McKelvy: Uh-huh.

[redacted]: And maybe level of comfort of how much they wanna be in control versus working with me or get, you know, working together. Some deputies let me talk to them even when it's a, you know, like a situation like a barricade or something.

McKelvy: Um-hum.

[redacted]: And then some deputies prefer that I just give them information.

McKelvy: Um-hum.

[redacted]: And so, with Deputy Perez my prime, I wanna say at one point he mentioned like, -- Hey, I have a social worker here that you can talk to. --. But he was just not open to talking to anybody. But I was telling him the information that I gathered as far as what [redacted] said and then from the department intel.

McKelvy: And so just to clarify when you say you were telling him the information you received, who were you speaking of?

[redacted]: Deputy Perez.

McKelvy: Got it.

Javier: And based on your knowledge of the suspect at that point where would you, would it be safe to leave the suspect at this location and just leave?

[redacted]: I don't think so because the initial information I gathered from [redacted] is that it was like, like not a, it was a strange relationship. And he was

verbalizing his like anger, feelings of being upset with [redacted] because he felt like she's inconsistent with how she allows him either in [redacted] or using her items or her car, whatever. And he felt like today just happened to be a day where she calls police when other – he was claiming that she allowed him to get the keys and take the car. So, there was discrepancy in the stories on both ends. So, I can see why he was upset. Sorry, for not being particular. (chuckles)

Javier: Well would it have been safe to leave the suspect there and leave the scene?

[redacted]: Yeah, so and he was, you know, he was, he was very unpredictable I'd say. That would be my primary descriptor for him. Even with his actions of, -- I'm recording you. --, or you know a lot of the things he was saying, there was other people there, like the staff that were there and I don't think that it would've been safe to leave him there and walk away because of the level of unpredictability and not knowing how to gauge his [redacted] because of what I'm reading through the Department of Mental Health, what [redacted] reporting and how he's presenting, none of it was adding up accurately and its, its, it would be irresponsible let's say of me, who actually diagnosis people to say, -- Oh, it's okay. --, right? 'Cause it's the, the liability, like the unknown of what he could do if we decide to leave because it wasn't completely safe to say he was on a, a good [redacted].

Javier: Yeah.

McKelvy: Okay. Alright, so at the point where you and Deputy Perez no longer were engaging with the suspect, what did you do at that point?

[redacted]: We walked outside and walked towards the corner of the street and stayed there.

McKelvy: Okay.

[redacted]: 'Cause I, they informed me, I think once everybody kinda briefed it and they decided that it was moving in different direction, we stepped out.

McKelvy: Um-hum. Did you witness how deputy personnel were able to extract the suspect out of the closet?

[redacted]: No.

McKelvy: Okay. Did you eventually see the suspect?

[redacted]: From a distance, as they were pulling him out with the gurney into the ambulance.

McKelvy: Okay, so you saw him from a distance when you were outside and he was placed onto the gurney.

[redacted]: Yes.

McKelvy: Could you see if he had any injuries?

[redacted]: I don't remember seeing anything specific. We were such at a distance and there was people and I wanna say the [redacted] was tryin' to go there, that there was – I didn't see anything specific.

McKelvy: Um-hum. About how far were you?

[redacted]: Maybe, I'm not so good with --. But I --.

McKelvy: Can you measure like car lengths?

[redacted]: Oh maybe like seven cars, six cars? We were at a good distance.

McKelvy: Okay.

Javier: Could you hear anything when the suspect was taken out of the closet by deputies?

[redacted]: I could primarily hear [redacted] yelling. Like there was a commotion. I want to say [redacted] Yeah, there was a female voice yelling. But it was just like a commotion of people speaking loudly.

McKelvy: Is this what you were hearing outside of people that were outside or you could hear --

[redacted]: From --.

McKelvy: - what was going on inside?

[redacted]: Yeah.

McKelvy: You could hear what was going on inside.

[redacted]: Yeah.

McKelvy: Okay.

Javier: And what did you hear other than a commotion? Did you hear any commands or anything being said?

[redacted]: No nothing specific as far as words. Just like a lot of people speaking loudly.

McKelvy: Um-hum. Okay. I don't have any more questions for you. We'll go off the record at 1052 hours.

IAB CASE # FO2570670

SUSPECT INTERVIEW

ELI MATTHEWS

McKelvy: Okay. So, this is Eli Matthews. Booking Number is 6536190. We're here at the East LA Station booking area. This case is under Sheriff's File Number 923-00760-0279-091. And again, I'm here with Sergeant Huerta. And again, we're from the Internal Affairs Bureau, so we don't work at East LA Station. We – what we do is investigate what our deputies do in a situation. So, we're here to find out what happened from your end, okay? I do see that you're left eye is swollen shut. Was that something that occurred with the deputies earlier today?

Matthews: Yeah, he was socking me in my head.

McKelvy: Okay, so tell me what happened that the deputies were talking to you?

Matthews: Okay, basically, I was outside of booking, smoking a cigarette, and the deputy pulled the put your hands up. I went back -- and I went back and – inside my building.

McKelvy: Okay.

Matthews: The next thing you know it, they're walking in there rushing me. I went through the stairway. They followed me there. I went up the stairs. They went into the office – the office in the front and hid in the closet, because I don't know why there were chasing me. I'm asking 'em, why do you want me to put my hands up for? What did I do? What's going on? He refused to tell me. I was in the closet for about 30 minutes. They're trying to open up the door.

McKelvy: Who was trying to open the door?

Matthews: These other officers.

McKelvy: Okay.

Matthews: And then I asked them. I said they needed to state their reason why they need to be on the premises, if they had a warrant or whatnot, because they're not legally able to open up a private building without having a warrant. Even if there was something going on, they should not have access to enter my building without having a warrant or stating what is their reason for whether they enter the building. So, when they finally – when they told me – they convinced me to get out of the closet. So, I'm getting out of my closet – getting out the closet, and they tase me, they tackle me to the ground. They tase me about four times, actually, and then they kept tasing me. And the one guy said – well, after they – after I – when I came out the closet, after that – after that, that's the first time we had face-to-face contact. And now I'm putting my hands up, and they're still tasing me and then socking me and kicking me. Basically, assaulting me all over. That's why my face look like this. So…

McKelvy: So…

Matthews: …I'm kicking, socking, and tasing me. And I said I was already – my hands – both hands behind my back. He's still tasing me.

McKelvy: How many times -- you got tased four times?

Matthews: Four, five times.

McKelvy: How about – I'm going to go back to when you first started. What – when did you first see the deputies there on the property?

Matthews: I've seen one deputy.

McKelvy: You saw one deputy first?

Matthews: He was in the alley.

McKelvy: Okay.

Matthews: He was, like, hey, you over there. Put your hands up, because I was smoking in the – in the part by the garage.

McKelvy: Do you know why they were there?

Matthews: No.

McKelvy: No? You don't know at all? You didn't see them before you went to the smoking area?

Matthews: No.

McKelvy: Okay.

Matthews: I was already – I was already waiting for [redacted] to bring me my – because I was on the phone [redacted] She's, like, oh, I want my car key, duh, duh, duh, duh, duh. I told her I don't have her car key. Can she just bring me my charger and my – and my box, so I can leave. She refused to do so, so she said, well, I'm going to call the police and tell them that you stole my car. I said, well, that's okay, because the car is downstairs. Even if I had the key, her car is downstairs in the – in the garage, you know? And [redacted] the last few weeks on and off. I'm always on and off [redacted].

McKelvy: Okay.

Matthews: So, basically, I had to just do whatever she said. So…

McKelvy: How old are you, Eric – wait, Eli?

Matthews: 26.

McKelvy: Okay.

Matthews: So, yeah. She [redacted], and I heard the officer. When I was in the closet before they knew I was in there, I heard them talking about how they're, like, oh, how – they said the stolen car is downstairs, but he's not, blah, blah, blah, blah. The car is in her parking spot where I left – where she left it. Nobody stole her car, for what?

McKelvy: Okay.

Matthews: So…

McKelvy: So, you saw the one deputy kind of like in the alley way when you're – when you were smoking? And you said he told you to put your hands up?

Matthews: Yeah, and I said, for what?

McKelvy: And then what happened?

Matthews: He didn't state a reason, and then I went inside my building.

McKelvy: Okay.

Matthews: I went back. Then I started walking down the garage, and I went through the gate.

McKelvy: Why did you go inside the closet?

Matthews: Huh?

McKelvy: Why did you go inside the closet?

Matthews: Because they chasing me through the building.

McKelvy: They were running after you?

Matthews: Yeah.

McKelvy: Like, you saw them right behind you or you could hear them, like, they were looking for you?

Matthews: Yeah. They saw – no, I was – when I was in the garage, they kept on walking towards me. And I asked them – told them they have no – if they don't have a search warrant, they need to leave the building, because they have no rights in the building, and they need to tell me what they're here for at least to let me know what's going on. But they didn't want to do that, so they didn't read me my Miranda Rights. They didn't – even since I'm sitting here right now, they haven't read me that right and not having even told me what I'm being booked for.

McKelvy: Okay.

Matthews: So, I'm just sitting here with my face like this. And on top of that, they almost killed me, honestly. When they were tasing me and hitting me in my face and socking me in my face, I was an inch away from being dead. I can tell myself. I couldn't breathe.

McKelvy: Why do you think you couldn't breathe?

Matthews: No, because that – I had eight officers on top of me. Ones around my neck holding my arms. Everywhere, basically. If – and I was on the floor waiting for them to cuff me for a minute, and then they just kept tasing me and socking me...

McKelvy: Okay.

Matthews: …in my face. So…

McKelvy: Let me make sure that I understand that other part though. You said that – because when I asked you why did do you go in the closet, you said they were chasing you?

Matthews: Yeah, they chasing me from the garage, and I went upstairs.

McKelvy: So, were you – were you running or you just walking in the closet?

Matthews: Well, I was walking. And then when I got to the garage stairway, they came to the garage stairway, and I closed the door. And I was trying to talk, and they said, oh, we want to talk to you. I said, okay, well, let's talk, because the garage stairway has a – has a glass near it. So, I just wanted to, you know, distance between us to talk. Well, no, you need to – you need to – we can't talk to like this. You have to be – you have to be – you have to let us put – cuff you, and then we'll talk to you. And I said, no. Why am I going to let you cuff me for? I – like, you know, I didn't do anything. So, then I went upstairs to – from that glass door, I don't know if they could open it. I went upstairs, and then – and then I went into the closet – into the office closet.

McKelvy: Why did you choose to go in a closet though? Why didn't you just…

Matthews: Because my card for mine – I told you [redacted] so…

McKelvy: Oh, to the apartment?

Matthews: So, she [redacted] this morning, so – or last night, so I basically have no – I was waiting for her to give me my stuff, and there's cops all outside. So, if I go in the front, they're just going to attack me or whatever, and I'm still waiting for my stuff.

McKelvy: Okay, so at some point you said they were trying to get you to come out of the closet?

Matthews: Yeah, because they came in there and wanted me to open the door. But it's, like, well, I said I don't feel safe, because you guys already did all this and that, and I told them that they don't have a search warrant to be on the premises.

McKelvy: What made you come out of the closet?

Matthews: Because I listened to them, and then as soon as I listened to them, they start attacking me.

McKelvy: Listened to them? What were they saying?

Matthews: They said, okay, leave. You want us to go away, and you need – we already got the situation cleared up, blah, blah, blah, blah. Then just come out the closet, and then we can just let you go. We just need to talk to you and make a – (unintelligible). Because he said we had to do what we were – we had to make our report. So, we need to talk to you, and then we'll let you go.

McKelvy: So, when they were telling you that, did you know what they wanted to talk to you about?

Matthews: Well, he said -- I heard him say something about the car, because I recorded the whole – everything on my phone.

McKelvy: Okay.

Matthews: And I don't know where it's at, because I don't know if they it to anybody or what, but I recorded everything that they were saying through the closet. They were saying a whole bunch of foul stuff though. They were planning on jumping me though. That's all I know.

McKelvy: So, did you open the door on your own or did they force it to open?

Matthews: Yeah, I opened it on my own.

McKelvy: You opened the door on your own?

Matthews: Yeah.

McKelvy: And what happened when you opened the door?

Matthews: Then I got ready to step out, and they started grabbing me and started attacking me.

McKelvy: Did they ask you to come out when you opened the door?

Matthews: Yeah.

McKelvy: Did you come out?

Matthews: Yeah.

McKelvy: Without them having to pull you out?

Matthews: No.

McKelvy: So, they didn't have to pull you out? You walked out?

Matthews: Well, yeah, but they didn't give me a chance to. As soon as I opened the door, and they started grabbing me and tasing me as soon as – no, no, actually, I'm sorry, I'm – I'm a little bit coocoo. You're right.

McKelvy: Why do you say that?

Matthews: No, because I was – I lost a lot of blood today, so I forgot what happened.

McKelvy: Okay.

Matthews: No, that's completely wrong. When I first opened the door, they shot me a bean bag, good.

McKelvy: Where did it hit you?

Matthews: It hit me in my side – my stomach or my side.

McKelvy: Do you have a mark?

Matthews: Yeah.

McKelvy: Do you have on underwear?

Matthews: Yeah.

McKelvy: Can I see your mark?

Matthews: I don't know where my – I don't know where the mark is.

McKelvy: Just leave your shirt up right there. I can see it.

Matthews: So, that's the reason why I closed the door back…

McKelvy: Turn to your right.

Matthews: …and I waited.

McKelvy: Yeah, turn to your right.

Huerta: All the way around.

McKelvy: Just turn all the way around for us, real quick.

Matthews: Yeah, that was the reason. I totally forgot about it, actually.

Huerta: Keep going. Okay. Right there. Okay. Wait. Stop. Turn around.

McKelvy: So, I see you one on your – your right-side area and one in the middle of your lower belly.

Matthews: Yeah, he shot me three times. Every time I opened the door, he shot me, so I'm, like, you just convincing me to…

McKelvy: Can you lift your shirt all the way up, because I only see two marks?

Matthews: (unintelligible)

McKelvy: Where did they hit, just those two places?

Matthews: Yeah. I don't know exactly, because I lost a lot of blood, like, they just kept on socking me, and my – there was blood all over the floor.

McKelvy: Did it hit your arm anywhere?

Matthews: Yeah, probably too.

McKelvy: With the – with the BB gun that you talked about?

Matthews: Yeah.

McKelvy: Let me see. Put your arms straight out.

Huerta: This arm right here? Your right arm. Bring it down a little bit for me, and then – yeah, right there. Turn it…

Matthews: I totally forgot about that part.

Huerta: Where'd you get…

Matthews: That's the reason why…

McKelvy: Is that an old bruise right there on your elbow or is that new?

Matthews: No, this is new. All this is new.

McKelvy: Okay.

Matthews: They kept shooting me. That's why I closed the door the first place. Well, not the first place. That's why I closed the door. After they – after they realized I was in there, and they knocked and said come out, then as soon as I came out, they started shooting me with a gun. And I was scared as hell, because when I opened the door, they shot it. I thought he shot me with a real gun, and then I was, like, oh, and then I feel myself. Oh, it must be a shotgun or something or a BB, because I've heard about those bean bags that they do in jail. So, I'm, like, okay. Then I open the door again, and he shot me again. I opened the door, and then I closed it again, and then he shot me again. And I said, no, I'm just going to go.

McKelvy: You said they tased you too?

Matthews: Yeah, then they soon – as soon as they shot me with it, they tased me too.

McKelvy: Where did it hit?

Matthews: Probably hit me here.

Huerta: Can you lift up your gown all the way for me, please? Okay. This mark right here, this part right here, what is that mark from? Did you have that mark before?

Matthews: No.

Huerta: Okay, so where is that mark from?

McKelvy: In the belly area.

Matthews: From the gun.

McKelvy: There's a bruising, like, in his torso area between just the middle, a little bit to the left of his – his chest area or his upper abdomen area.

Huerta: And then do me a favor, and turn sideways? Stop right there. Okay. Now turn again. Can you lift your gown a little bit higher for me, please?

McKelvy: On the back part.

Huerta: Okay. Okay. Can you turn sideways for me? Stop right there. Okay. Do you have – let me see your arms. Extend them out. Can you lift up your gown, so I can see the upper part of your arm? Like, if you roll up your sleeve? Yeah, there you go.

McKelvy: I do see something on his left.

Huerta: Yeah. Try to get arm like this, this way.

McKelvy: With your palms facing upward.

Huerta: Yeah. Like this. There you go.

McKelvy: Yes. Do you have – did you have any injuries before what happened with the deputies today, Eli?

Matthews: No, not at all.

McKelvy: No injuries at all?

Huerta: Where is this from? Is this an old injury? Is that a scar right there?

Matthews: This one?

Huerta: Yeah.

Matthews: Yeah. I think so.

Huerta: Okay. And let me…

McKelvy: That was an old one. Okay.

Huerta: What about your legs, Eli? What about your legs? Did you get hit anywhere in the legs?

Matthews: Besides being tackled, I (unintelligible).

Huerta: And turn around for me. Turn around. And nothing in your, like, lower back?

Matthews: Probably right here. I don't know.

McKelvy: Do you feel something there or no?

Matthews: Right here.

McKelvy: Is it sore or you feel (unintelligible)?

Matthews: Yeah, this one here.

McKelvy: Okay. Okay. We got that one.

Huerta: Okay. Let me take a better closeup on the face. And what about your head? (unintelligible)

McKelvy: Do you have – do you feel like there's any injuries on your head other than your eye?

Matthews: Well, I feel I have a concussion.

McKelvy: Did you talk to the doctor about that?

Matthews: Yeah, but they didn't…

McKelvy: Have a seat. What did the doctor say?

Matthews: They sent me back here.

McKelvy: Okay.

Matthews: They did worry about my eye first, and then when I got back, they said they were shocked that they taking me back so soon.

McKelvy: Who is they?

Matthews: The nurses.

McKelvy: Well, they only would've been able to do that if the doctor released you.

Matthews: Well, I don't know what happened.

McKelvy: Okay, so you said you got tased, and you got hit with the bean bag. So, at some point, you came out of the closet. What happened the very moment when you got out the closet – came out of the closet? What happened?

Matthews: They threw me to the ground and started socking me.

McKelvy: How many deputies were there?

Matthews: About eight.

McKelvy: Eight deputies?

Matthews: Yeah.

McKelvy: Okay. Who socked you?

Matthews: I know it was a guy, for sure. The guy on my left, because he kept punching me in the face. That's the one who probably did this one.

McKelvy: When did that happen, when you were standing up?

Matthews: No, I was on the floor already with my hands behind my back.

McKelvy: Okay.

Matthews: And they were socking me in the face.

McKelvy: Were you saying anything to the deputies?

Matthews: Nah, I'm saying – I'm giving – I'm not resisting. I'm letting you guys take me.

McKelvy: What were they saying?

Matthews: Stop resisting. They were making up lies, trying to cover up for their camera.

McKelvy: So, let me ask you. Do you know what it means when the deputies say resisting? Do you know what that means?

Matthews: Yeah, not moving.

McKelvy: And were you moving?

Matthews: No.

McKelvy: And you said you had your hands behind your back?

Matthews: I had my hands behind my back, and they had my legs tied up. They were trying to hogtie it.

McKelvy: And where…

Matthews: Which I was allowing them to, but I couldn't breathe. And after the tases, the bean bags, and the punching me and socking and kicking me, I couldn't – it was nothing else. I had – I did everything. Besides sitting in the closet and waiting – wasting time, I did everything I was supposed to do, and they just…

McKelvy: How did you end up on the floor?

Matthews: Because they threw me to the floor.

McKelvy: And were they – when you landed on the floor, tell me where your – where did your – your knees land, just straight on the floor?

Matthews: Yeah.

McKelvy: What about your stomach?

Matthews: Yeah.

McKelvy: And your arms?

Matthews: Yeah.

McKelvy: And…

Matthews: It was eight of them, so they just punched me down.

McKelvy: So, are you saying that deputies had all parts of your body, and they were in their hands?

Matthews: Yes, because there was eight of 'em. There was – there was one, two, three, four, five, six. Yeah, there was, like, seven at least.

Yeah, they had me completely surrounded in a corner. I had it even with my camera on my phone.

McKelvy: Was someone holding your head when you were going to the floor?

Matthews: Yeah.

McKelvy: Someone was holding your head as you were going down?

Matthews: Yeah.

McKelvy: And so, when you – when you got down to the floor, where did your head go?

Matthews: It was probably – oh, that's because – that's when my nose. That part they had broke my – they had my nose bleeding.

McKelvy: So, you fell straight face down, like?

Matthews: Yeah, like, I slammed to the floor.

McKelvy: You didn't fall to one side or the other?

Matthews: They slammed me.

McKelvy: Okay, so say that again. I'm sorry.

Matthews: They slammed me.

McKelvy: They slammed you?

Matthews: Yeah.

McKelvy: Okay, and you're saying something about your nose?

Matthews: Yeah. They – well, it's not broken. It's hard to break my nose, but my nose was all bleeding. That's probably where most of the blood came from.

Huerta: Do you want to sit down, so you don't get dizzy?

Matthews: Yeah.

Huerta: Okay.

Matthews: Can I grab my (unintelligible)?

McKelvy: Of course. Go ahead. Do you have any questions, partner?

Huerta: Just…

Matthews: Can I just get a blanket, please?

Huerta: Okay. I'll let the jailer know.

Matthews: And my phone call, because I don't even know [redacted]. I just want to make sure that she got my – my (unintelligible) stuff and her keys and my keys.

Huerta: You mentioned that…

Matthews: (unintelligible) she found them, because I know where she dropped them. She dropped them on the floor so…

Huerta: Okay. Hey, Eli?

Matthews: Huh?

Huerta: You mentioned that there was a deputy punching you in the eye? How many times approximately do you believe?

Matthews: At least three times he punched me.

Huerta: He punched you?

Matthews: Yeah.

Huerta: And then you said that you were tased, right? How many times were you tased approximately? Three times?

McKelvy: He's raising up his fingers, three fingers.

Huerta: Three?

Matthews: No, it was four. He tased me, pop one.

Huerta: Okay.

McKelvy: He's – he's touching his right arm.

Matthews: And then as soon as I came out the closet, they already, boom, two.

Huerta: I have a question, did you drink any alcohol today?

Matthews: And then another one, like, three, because they did it at the same time. The second one I felt, and then when I was on the floor too, they were tasing me. Tase him, tase him. And he was doing that purposely on my side.

Huerta: And when you were being tased, where were your hands?

Matthews: All behind my back already.

Huerta: Behind your back? Were you cooperating with orders to be handcuffed?

Matthews: Yeah, I was cooperating.

Huerta: Okay.

Matthews: That's why I don't get why. Well, I know why. He's doing it because he knows he can do it, and they were mad that I had them waiting for 30 minutes in the closet. So, they said, you know what, since you wanted to – since you wanted to tell us about warrants and stuff, we're going to basically just going to arrest you how we want to.

McKelvy: They said that to you?

Matthews: No, they didn't say that to me, but I – I basically read that off of them. So…

McKelvy: So, I just want to clarify something else my partner was asking. You said that you got tased. Like, when you got tased, was it, like, the wires that came to you or was it, like, the – the actual taser at that point?

Matthews: No, he – two times, the wires. The other two? It was just stuck in me, like, this.

McKelvy: Okay, so he's using his right hand against his right waist area and pressing on the left side.

Matthews: Yeah, this side. Yeah, pressing on the left side. Yeah.

McKelvy: And then I think my partner is asking, did you have any – any alcohol to drink today?

Matthews: No.

McKelvy: Are you on any drugs?

Matthews: No.

McKelvy: Are you under the care of [redacted]?

Matthews: No.

McKelvy: A [redacted]?

Matthews: No.

McKelvy: Have you been prescribed any [redacted]?

Matthews: No.

McKelvy: Have you ever been diagnosed with having had any [redacted]?

Matthews: [redacted].

McKelvy: Do you smoke marijuana?

Matthews: Mm-hmm.

McKelvy: How often do you smoke?

Matthews: Every now and then.

McKelvy: Okay.

Matthews: It depends on my – how I'm feeling.

McKelvy: Are you taking any sort of [redacted]?

Matthews: [redacted].

McKelvy: [redacted]?

Matthews: [redacted] [redacted].

McKelvy: Okay, so just to clarify, [redacted]?

Matthews: [redacted] I don't recall.

McKelvy: Okay.

Matthews: But I couldn't tell you exactly.

McKelvy: Have you ever gone to [redacted] for them to…

Matthews: Yeah, I've been to [redacted]. I don't know if you're familiar with them?

McKelvy: [redacted]?

Matthews: Yeah. But they never – she told me the last time I went to see her, she said everything was good.

McKelvy: When was that?

Matthews: What, two, three years ago.

McKelvy: Okay.

Huerta: I did have a question. When you – you said you were standing, and you ended up on the ground, correct?

Matthews: Uh-huh.

Huerta: Did – when you ended up on the ground, did your head strike the ground?

Matthews: Yeah.

Huerta: How did it strike the ground?

Matthews: That's how my nose got busted. Huh?

Huerta: How did you strike – how did your head strike the ground?

Matthews: I don't even recall. By the time they threw me to the ground, I was already getting there unconscious, and they would (unintelligible).

Huerta: You said you were unconscious?

Matthews: Yeah. They were using excessive force, so I don't know why they just didn't put cuffs on me. They just sat there. I'm, like, are you guys – are you even going to put cuffs on me, like, you have me? How long are you going to leave me in this position with your knees – I almost could've – I almost died. I almost lost my breath behind the…

McKelvy: Were there paramedics there for you at the house?

Matthews: Yeah, they called them right away.

McKelvy: Okay.

Matthews: Because they knew that they were about to jump me, so…

McKelvy: So, they were there pretty quickly?

Matthews: Yeah. Like, as soon as I was in the closet, I heard – well, as soon as they figured out I was in there, they called.

McKelvy: They called the paramedics?

Matthews: Yeah.

McKelvy: Okay, and then after they finally put handcuffs with you, what did they do after that? Is that where you saw the paramedics?

Matthews: No, I just heard them. I heard the ambulance. I'm, like, what is the ambulance here for, and they said for you – it was for me, so...

McKelvy: And then – they came and talked to you and helped you? The firefighters or paramedics came?

Matthews: Yeah.

McKelvy: Okay. All right. Well…

Matthews: All I know is they used excessive force.

McKelvy: You felt like it was excessive force?

Matthews: Yeah.

McKelvy: Okay.

Huerta: All right.

Matthews: And assaulting – they assaulted me.

McKelvy: Other than your eye. I see your eye is swollen, and – and we did see the bruising on your body.

Matthews: They are trying to say I fell. No. I didn't fall. I was thrown.

McKelvy: Okay.

Matthews: They kicked and they socked me and punched me. I felt like somebody was stabbing me.

McKelvy: Where?

Matthews: In my side.

McKelvy: Okay, and when that when you were getting tased?

Matthews: Yeah.

McKelvy: Okay, so other than the – the injuries you talked to me about, we see your eye is swollen, we saw the – the bruising from the bean bag and the taser, is there any other injuries that we don't see that you haven't told us about?

Matthews: The concussion.

McKelvy: Okay, and you said that you did tell the doctor about it?

Matthews: Yeah, but I don't think she's seen it.

McKelvy: Okay.

Huerta: Okay.

McKelvy: All right. Well, with that, we're going to go ahead and go off record. The time is 2352 hours.

Station: ELA Incident Date:01/17/23 Tag #:64 Incident #:ELA23017-0064

/0719 ENTRY (651505) INCIDENT,[redacted]WHITTIER BL,ELA [redacted] P,503SUS,931,,,,,[redacted],,CONT INF RE [redacted] (ELI MATTHEW,S) WRNG BLU ROBE AT LOC,DP STOLE,INF VEH ON 011623 (23-00760-02),,INF DISCONNECTED,NFD,,,,ELA,,,,,ELA03

/0719 RECENT [redacted] ELA23011-0057 01/11/23 731
/0719 RECENT [redacted] ELA23015-0053 01/15/23 777
/0719 RECENT [redacted] ELA23015-0045 01/15/23 764
/0719 RECENT [redacted] ELA23016-0248 01/16/23 091
/0719 HAZARD [redacted] 09/17/22
/0719 HAZARD [redacted] 04/18/22
/0719 HAZARD [redacted] 06/15/21
/0719 HAZARD [redacted] 06/15/21
/0720 CHGTEL [redacted] -> [redacted]
/0721 ASSIGN/B [redacted] 23/D [redacted]
/0722* ASSIST/S [redacted] 21/D [redacted] RUIZ <000>
/0722 ASSIST/B [redacted] 24/D [redacted]
/0722* ACK ([redacted] 21/D <000>
/0722* ENR ([redacted] 21/D <000>
/0722* ACK ([redacted] 23/D <000>
/0722* ENR ([redacted] 23/D <000>
/0722* ASSIST/S [redacted] 22/D [redacted] <000>
/0723* ACK [redacted] 22/D <000 [redacted]
/0723* ENR [redacted] 22/D <000 [redacted]
/0723* ASSIST/S [redacted] 21A/ [redacted] ZEAS <000>
/0723* ACK [redacted] 21A/D <00 [redacted]
/0723* ENR [redacted] 21A/D <000>
/0727 NOACK () 24/D
/0728* 10/97 [redacted] 22/D <000>
/0728* 10/97 [redacted] 23/D <000>
/0729* 10/97 [redacted] 21/D <000>
/0729* ACK ([redacted]4/D <000>
/0729* ENR ([redacted]4/D <000>
/0729* 10/97 [redacted] 24/D <000>
/0729* 10/97 [redacted] 21A/D <000>
/0738* ASSIST/S [redacted] 26A/D [redacted] ROMERO <000>
/0738* ACK [redacted] 26A/D <000>
/0738* ENR [redacted] 26A/D <000>
/0738* 10/97 [redacted] 26A/D <000>
/0738* ASSIST/S [redacted] 28/D [redacted] ROMERO <000>
/0738* ACK [redacted] 28/D <000>
/0739* ENR [redacted] 28/D <000>
/0752* ASSIST/S [redacted] 27H/D [redacted] CARBAJAL <000>
/0752* ACK [redacted]7H/D <000>
/0752* ENR [redacted]7H/D <000>
/0752* 10/9[redacted] 27H/D <000>
/0752* 10/9[redacted] 28/D <000>
/0829* 10/9[redacted] 27H/D <000>
/0856* 10/9[redacted] 21/D <000>
/0901* 10/9[redacted] 28/D <000>
/0904* 10/9[redacted] 24/D <000>

/0912* URN REQUEST [redacted] X,0277,145,CR,S,MATTHEWS,ELI,,,M,B,64,, <000>

/0912* 902H [redacted] 26A/D,LAC/USC <000>

/0912 URN () 923-00774-0277-145

/0915* 10/98 [redacted] 21A/D <000>

/0939* CLEAR [redacted] 21/D,,,780,,,,,,,SEE 923-00774-0277-
145,,, <000>

/0941* CLEAR [redacted] 27H/D,,,780,,,,,,,ASSTD 23 AS NEEDED,DID NOT R,ESPOND,CONTAINMENT CANCELLD PRIO,R
TO ARRIVAL,NO [redacted],, <000>

/1321* 10/98 [redacted] 23/D <000>

/1322* 10/98 22/D <000>

/1340* CLEAR 21A/D,,,780,,,,,,,X/23 AS
NEEDED,, <000>

/1345* CLEAR [redacted] 23/D,,,091,940,,,,,,FOR FURTHER SEE REPORT NUMBE,R 923-00760-0279-
091,,,,0279,[redacted],,,,,,,,,,,,,,,,N,,,,,,,,,,,,,,,,1,,,,,,,, <000>

/1418* CLEAR [redacted] 22/D,,,780,,,,,,,X/23 AS
NEEDED,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,N,,,,,,,,,,,,,,,,,,,,,,, <000>

/1421* CHG10/970 [redacted] 22/D,9999->0900 <000>

/1422* CHGENRO ([redacted]/D,9999->0900 <000>

/1422* CHGADDRPT[redacted]) 22/D,000->97 <000>

/1426* 10/98 [redacted] 26A/D <000>

/1426* CLEAR 26A/D,,,780,,,,,,,X23 TRANSPORT SUS 2
HOSPITAL,,,,,,,,,,1400,,, <000>

/1445* CLEAR [redacted] 24/D,,,780,,,,,,,X/23 AS NEEDED,SEE SUPPLEMEN,TAL REPORT UNDER FILE NUMBER 23
-,00760-02 FOR FURTHER,,,,,,,,,,,,,,,,,,,,,,,,,,,,,N,,,,,,,,,,,,,,,,,,,,,,,, <000>

/1543* CLEAR ([redacted] 28/D,,,780,,,,,,,X/23 AS
NEEDED,,,,[redacted],,, <000>

/1613 OKI [redacted]



EVIDENCE SYNC

TASER Information
Serial [redacted]
Model TASER X26
Firmware Version Rev. 24
Application Version 3.20.13

Offline Report
Local Timezone Pacific Standard Time (UTC -08:00)
Generated On 17 Jan 2023 21:46:51

Dates from : Mon Jan 16 08:00:00 2023 to : Tue Jan 17 11:00:00 2023

Device (X26)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
120	16 Jan 2023 13:02:59	Trigger	5	22	96
121	17 Jan 2023 08:40:32	Trigger	5	28	95
122	17 Jan 2023 08:40:59	Trigger	5	28	94
123	17 Jan 2023 08:41:19	Trigger	5	28	94
124	17 Jan 2023 08:41:26	Trigger	5	29	94
125	17 Jan 2023 08:41:33	Trigger	5	29	93
126	17 Jan 2023 08:41:39	Trigger	5	29	93
127	17 Jan 2023 08:41:49	Trigger	5	30	92


[redacted]

LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD

Field	Value
BOOKING No	6536190
LOCAL AGENCY No	
MAIN No / SID / CII No	[redacted]
FBI No	
ARN No	
DL LIC No. / STATE	[redacted]
ARRESTEE'S NAME (LAST, FIRST, MIDDLE)	MATTHEWS, ELI KIM
HOME PHONE	
DNA STATUS	
ADDRESS, CITY, STATE, ZIP	[redacted]
DNA COLLECTED BY	
SEX	M
DESCENT	B
HAIR	BLK
EYES	BRO
HEIGHT	508
WEIGHT	240
BIRTHDATE	10-30-1996
AGE	26
DATE DNA COLLECTED	
VEH. LIC. No. ST.	
RPT DIST	0279
AKA/NICKNAME	
BIRTHPLACE	[redacted]
CITIZENSHIP	[redacted]
ARR. AGY / DETAIL	ELA
MONIKER	
AD CHG	YES
LIVESCAN OPERATOR(S)	
SUSPECT PHOTO	
FILE No	923007600279091
DATE & TIME ARRESTED	01-17-2023 0900
TIME BKD	1130
LOCATION OF ARREST	[redacted] WHITTIER BOULEVARDELA
TOTAL BAIL	35000
CHARGE	487D1PC / F / 001 GRAND THEFT AUTO\HORSE\ETC
WARR./COMM No	
PRISONER'S SIGNATURE WHEN BOOKED	X
JAIL LOC	ELA
ARRAIGNMENT DATE	01-19-2023
TIME	0830
COURT	M30
SOC. SEC. No.	
OBSERVABLE PHYSICAL ODDITIES	NONE OBSERVED
OCCUPATION	UNEMPLOYED
EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE No.)	[redacted]
SPECIAL MEDICAL PROBLEMS	INJURY ON LF EYE
CLOTHING WORN	BLUE ROBEBLK PANTS
LOCATION OR DISPOSITION OF VEHICLE	
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE)	NONE
ARRESTING OFFICER	[redacted]
BOOKING EMPLOYEE	[redacted]
SEARCHING OFFICER	[redacted]
TRANSPORTING OFFICER	PERALTA [redacted]
CASH RETAINED	0.00
PROPERTY	CLOTHING WORN
PRISONER'S SIGNATURE FOR RECEIPT OF FOREGOING CASH & PROPERTY	
CASH DEPOSITED	0.00
PROPERTY	
PRISONER'S SIGNATURE FOR RECEIPT OF REMAINING CASH & PROPERTY	

20230117 22:52:20

RIGHT FOUR IN | RIGHT THUMB IN | RIGHT THUMB OUT | RIGHT FOUR OUT

[redacted]

ADDITIONAL CHARGE	WARRANT NUMBER	ARRIGN DATE	TIME	COURT
148(A)(1)PC / M / 001 OBSTRUCT\ETC PUB OFCR\ETC				
243(B)PC / M / 001 BATTERY ON PO\EMERGENCY PERSONNEL W\O INJ				

TELEPHONE CALLS

INTERVIEWS – Code: A = ATTY, B = BONDSMAN, D = DOCTOR, E = EMPLOYER, R = RELATIVE, W = WAIVED, O = OTHER

NAME	CODE	PHONE# OR INTERVIEWER	DATE & TIME MADE		OFFICER HANDLING SERIAL#	PRISONER'S INTIIALS
BAIL DEVIATION (800) 773-5151	O	[redacted]				

REMARKS

X COMPLETED

Misdemeanor hold
_____ NO IDENTIFICATION
_____ WARRANT
_____ ON GOING PROBLEM
_____ NON-CITABLE MISDEMEANOR
_____ OTHER _______________

APPROVED BY
WATCH COMMANDER

REASON FOR RELEASE ___ EXPIRATION ___ FINE ___ CITATION ___ BAIL ___ OTHER

RECEIPT #	DATE AND TIME
RELEASED BY	DOCUMENT ANALYST

RELEASED TO (NAME, AGENCY & DETAIL)

RECORD OF PROPERTY TRANSACTIONS

CODE A = ADD W = WITHDRAW I = INSPECT E = REMOVE FOR EVIDENCE

NAME OF PERSON ADDING, WITHDRAWING OR INSPECTING	OFFICER HANDLING SERIAL #	PRISONER'S SIGNATURE AUTHORIZING WITHDRAW	CODE	DESCRIPTION OF PROPERTY	DATE AND TIME

OFFICER MAKING FINAL RELEASE	DATE AND TIME	I DO HEREBY ACKNOWLEDGE RECEIPT OF ALL MY REMAINING PROPERTY SIGNATURE

CA DMV IMAGES

BOOKING IMAGES

Adult: ☑ Juvenile: ☐

Suspected Gang Member: ☐

Gang Name:

Moniker:

Tag #: 64

L[redacted] ANGELES COUNTY JAIL
BOOKING AND PROPERTY RECORD

PHONE NO. NONE GIVEN

D296230

FOREIGN NATIONAL: ☐ YES ☑ NO ☐ REF

	YES	NO
HAVE AIDS	☐	☑
HAVE VD	☐	☑
HAVE HEPATITIS	☐	☑
HAVE TB	☐	☑
EVER HAVE TB	☐	☑

BOOKING NO.: 6536190
LOC. BKG: ELA
DR. LIC. NO.: [redacted]
STATE: [redacted]

STATION RECORDS

FELONY

ARRESTEE'S NAME LAST: MATTHEWS
FIRST: ELI
MIDDLE: KIM

ADDRESS: [redacted]
CITY, ZIP CODE: [redacted]
SEX: M

DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE
B	BLK	BRO	508	240	10-30-1996	26

VEH. LIC NO.: N/A
STATE:
RPT. DIST.: 0279
AKA / NICKNAME: NONE

BIRTHPLACE: [redacted]
FILE NO.: 923-00760-0279-091
AD. CHG: Y

AGY. OR DETAIL ARRESTING: 0201
DATE & TIME ARRESTED: 01-17-2023 0900
TIME BKD.: 2240

LOCATION OF ARREST: [redacted] WHITTIER BOULEVARD,ELA
TOTAL BAIL: 35000

CHARGE: 487D1PCANI / F / GRAND THEFT AUTO\HORSE\ETC
WARR./COMM. NO: N/A

JAIL LOC.: ELA
ARRAIGN. DATE: 01-19-2023
TIME: 0830
COURT: CCB

PRISONERS SIGNATURE WHEN BOOKED: X REFUSED

SOC. SEC NO.: UNKNOWN
OBSERVABLE PHYSICAL ODDITIES: NONE OBSERVED
OCCUPATION: UNEMPLOYED

EMPLOYER FIRM OR PERSON'S NAME:
CITY:
PHONE NO.:
SPECIAL MEDICAL PROBLEMS: INJURY ON LF EYE

CLOTHING WORN: BLUE ROBE,BLK PANTS
LOCATION OR DISPOSITION OF VEHICLE: N/A

IN CASE OF EMERGENCY NOTIFY NAME: NONE ,
RELATIONSHIP:
ADDRESS:
CITY:
PHONE NO.:

ARRESTING OFFICER / EMP #S: [redacted]
BOOKING EMPLOYEE: [redacted]
SEARCHING OFFICER: [redacted]
TRANSPORTING OFFICER: PERALTA, E [redacted]

CASH RETAINED: 0.00
PROPERTY: CLOTHING WORN

PRISONERS SIGNATURE WHEN BOOKED: X REFUSED

CASH DEPOSITED: 0.00
PROPERTY:

PRISONERS SIG. FOR RECT OF REMAINING CASH & PROPERTY: X

Bulk Property: ☐ None ☑ Yes

White - Original

CDL
CII
Main
FBI

[redacted]

CCHRS
CPC
SSN
Entered

[redacted]

—
— MP 01/17

NT 1/19/23 23:26

BOOKING NO.
6536190

ARRESTEE'S NAME (LAST, FIRST, MIDDLE)
MATTHEWS, ELI KIM

FILE NO.
923-00760-0279-091

TELEPHONE CALLS, INTERVIEWS

CODE: A-ATTY, B-BONDSMAN D-DR. E-EMPLOYER R-RELATIVE W-WAIVED O-OTHER

NAME	CODE	PHONE # OR INTERVIEWER	DATE & TIME MADE		OFFICER HANDLING SERIAL #	PRISONER'S INITIALS
						X REFUSED
						X
						X
						X

X COMPLETED CALL

REMARKS.

RIGHT FINGERPRINTS

WHEN BOOKED	WHEN RELEASED
REFUSED	

WHEN BOOKED	RIGHT THUMB	WHEN RELEASED
REFUSED		

REASON FOR RELEASE: ☐ BAIL ☐ BOND ☐ CITATION ☐ 849 B1 ☐ OTHER

RECEIPT #

DATE AND TIME

RELEASED BY:

DOCUMENT ANALYST:

RELEASED TO: (NAME, AGENCY, & DETAIL)

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
ADDITIONAL CHARGES AND HOLDS RECORD

BOOKING NO.	NAME (BOOKED AS)	DATE	TIME
6536190	MATTHEWS, ELI KIM	01-17-2023	1130

RACE	SEX	NAME (ON WARRANT OR CHARGE BEING PLACED)	AGE	BIRTHDATE
B	M		26	10-30-1996

Warrant Number	COURT * SHOW RD OR CITY OF OCCURRENCE	DATE OF ISSUANCE	CHARGE (CODE NO & DEFINITION)	BAIL-INCL. PENALTY	ARRAIGNMENT DATE	ARRAIGNMENT TIME	ARRAIGNMENT COURT	CHECK IF IN-CUSTODY CRIME
	* 0279	01-17-2023	✓ 243(B)PC / M / BATTERY ON PO\EMERGENCY PERSONNEL W\O INJ	20,000 ~~0.00~~	1-19-23	0830	CCB	
	* 0279	01-17-2023	✓ 148(A)(1)PC / M / OBSTRUCT\ETC PUB OFCR\ETC	10,000 ~~0.00~~	1-19-23	0830	CCB	
	*			0				
	*			30,000 ~~0~~				

A CHECK IN THIS COLUMN INDICATES A HOLD HAS BEEN PLACED AGAINST YOU ON AUTHORITY OF AN OUT-OF-COUNTY WARRANT.

YOU ARE HEREBY NOTIFIED UNDER THESE CIRCUMSTANCES YOU MAY REQUEST A COURT APPEARANCE IN THIS COUNTY FOR THE PURPOSE OF BEING ADMITTED TO BAIL ON THE CHARGE SET FORTH ON THE OUT-OF-COUNTY WARRANT. IF YOU DESIRE A COURT APPEARANCE FOR THIS PURPOSE, NOTIFY YOUR JAILER (821 & 822 P.C.)

UNIT OR AGENCY PLACING ADDITIONAL CHARGE OR HOLD	SIGNATURE OF OFFICER PLACING CHARGE OR HOLD	Total Bail	TOTAL BAIL- INCLUDING PENALTY
[redacted]	[redacted]	30,000 ~~0.00~~	←

LEFT THUMB	RIGHT THUMB
Refused	Refused

THUMBPRINTS REQUIRED

CII # ____________________

LOS ANGELES COUNTY JAIL

RECORD BUREAU
76A248S-SH-CR435-REV. 3/96

LOS ANGE[hole punch]ES COUNTY SHERIFF'S [hole punch]EPARTMENT
BAIL DEVIATION FORM

DATE: 01-17-2023 **TIME:** 1130 **STATION/AGENCY:** LASD

ARRESTEE'S LAST NAME: MATTHEWS **FIRST:** ELI **BKG#:** 6536190

ADVISEMENT

You may apply for a reduction of your bail or release on your own recognizance. An attorney, friend, or relative may assist you.

THIS IS A FREE SERVICE, OFFERED BY THE LOS ANGELES COUNTY PROBATION DEPARTMENT. CALL COLLECT (213) 351-0311, SEVEN DAYS A WEEK, 6:30 AM TO 12 MIDNIGHT.

I have read, and understand this advisement ⊗ REFUSED

signature of arrestee

ARRESTING DEPUTY/OFFICER'S STATEMENT

The arrestee should ☐ should not ☑ be considered for a reduction of bail.

The arrestee should ☐ should not ☑ be considered for release on his/her OR.

☐ Arrestee waived phone call for Bail Deviation

☐ Arrestee given phone call for Bail Deviation at: hrs.

COMMENTS:

☐ Lived in same area one year or less

☐ Unemployed

☑ Threat to community

☐ Injury to victim required medical treatment

☑ Pending criminal case

☐ No family ties in area

☐ 1270.1 PC violent felony

☐ On active parole or probation

☐ Weapon used

☐ Gang related

ARRESTING DEPUTY/OFFICER [redacted] **EMP #** [redacted]

WATCH SERGEANT/JAILER

JAILER'S SIGNATURE ORTEGA **EMP #** [redacted]

W/SGT'S SIGNATURE Pacheco **EMP #**

SH-R-440 REV 06/2015

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
BAIL DEVIATION FORM

DATE: 01-17-2023 **TIME:** 1130 **STATION/AGENCY:** LASD
ARRESTEE'S LAST NAME: MATTHEWS **FIRST:** ELI **BKG#:** 6536190

AVISO

Usted puede aplicar para la reduccion de su fianza, o ser puesto en libertad bajo su propia palabra. Un abogado, amigo, o pariente puede ayudarlo.

ESTE ES UN SERVICIO GRATUITO, OFRECIDO POR EL DEPARTMENTE DE PROBACION DEL CONDADO DE LOS ANGELES, LLAME POR COBRAR (213) 351-0311, SIETE DIAS A LA SEMANA, 6:30 AM A 12 DE LA MEDIA NOCHE.

He leido, y entiendo este aviso ______________________
firma del arrestado

ARRESTING DEPUTY/OFFICER'S STATEMENT

The arrestee should ☐ should not ☑ be considered for a reduction of bail.
The arrestee should ☐ should not ☑ be considered for release on his/her OR.
☐ Arrestee waived phone call for Bail Deviation
☐ Arrestee given phone call for Bail Deviation at: hrs.

COMMENTS:

- ☐ Lived in same area one year or less
- ☐ Unemployed
- ☑ Threat to community
- ☐ Injury to victim required medical treatment
- ☑ Pending criminal case
- ☐ No family ties in area
- ☐ 1270.1 PC violent felony
- ☐ On active parole or probation
- ☐ Weapon used
- ☐ Gang related

ARRESTING DEPUTY/OFFICER [redacted] **EMP #** [redacted]

WATCH SERGEANT/JAILER

JAILER'S SIGNATURE ______________________ **EMP #** ______________
W/SGT'S SIGNATURE ______________________ **EMP #** ______________

SH-R-440 REV 06/2015

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

East Los Angeles Station
URN FILE#: 923-00760-0279-091

EV = Evidence F = Found F250 = Found greater than $250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
P	4		1	Clothing, Shoes, Eyewear - brown paper bag containing S/Matthews clothing and a blanket. Article: Other Make: Not Applicable Model: Not Applicable Serial Number: Not Applicable Booked At: PATROL STATION		Robert Zamorano #[redacted]	01/17/2023	

MP 01/17

PAGE 01 TO: ELAP FROM: CLETS 01/17/23 22:59:01

[redacted]

* * * * * * * * * END OF DOJ MESSAGE * * * * * * * * *

LAC+USC Medical Center

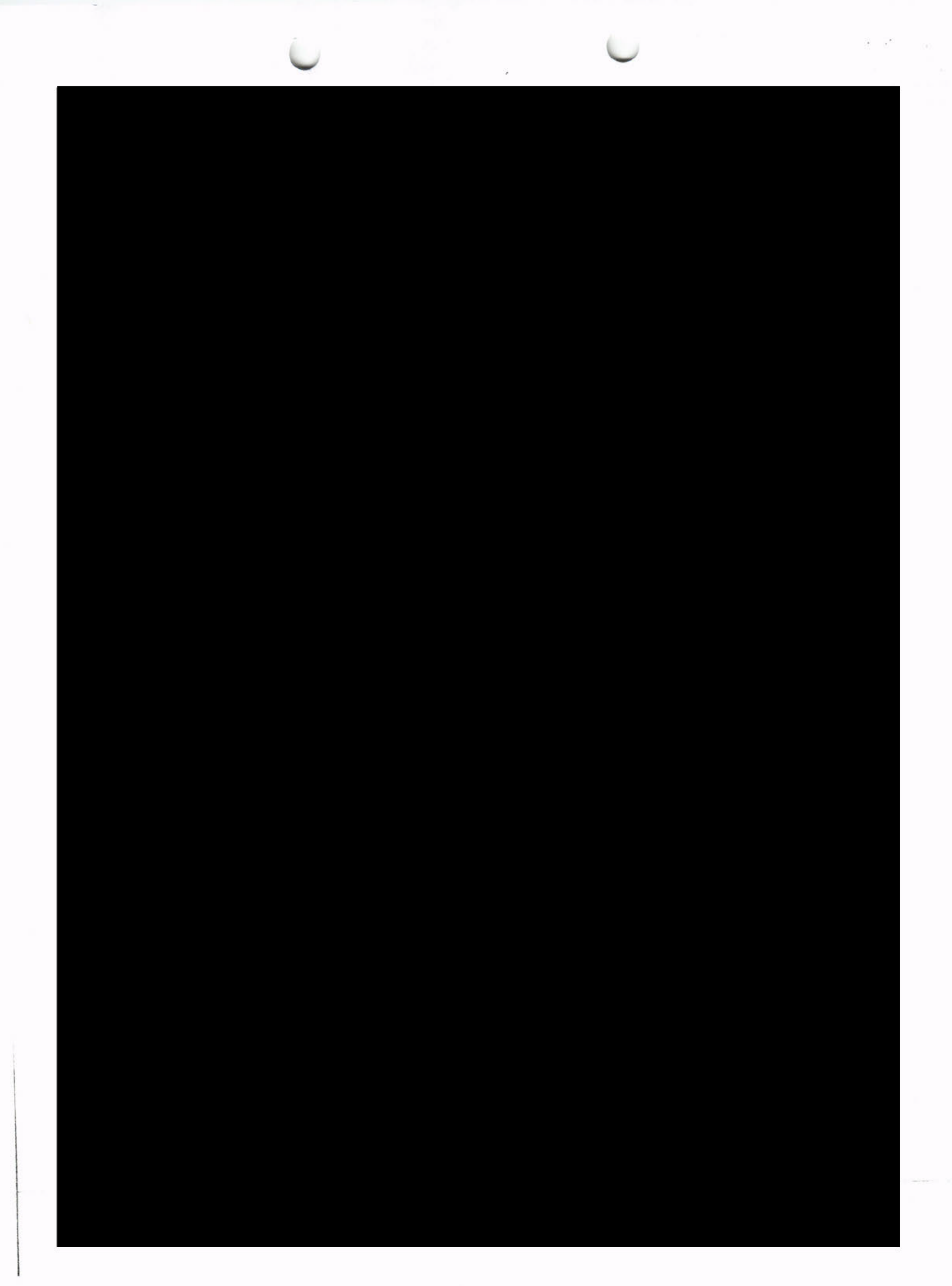
1200 North State Street, Los Angeles, CA 90033

323-409-1000

[redacted]

[redacted]

[redacted]



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

*** Final Report ***

[redacted]

[redacted]

[redacted]

ED Note-Provider
* Final Report *

MATTHEWS, ELI - [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

ED Note-Provider
* Final Report *

MATTHEWS, ELI - [redacted]

[redacted]

[redacted]

[redacted]

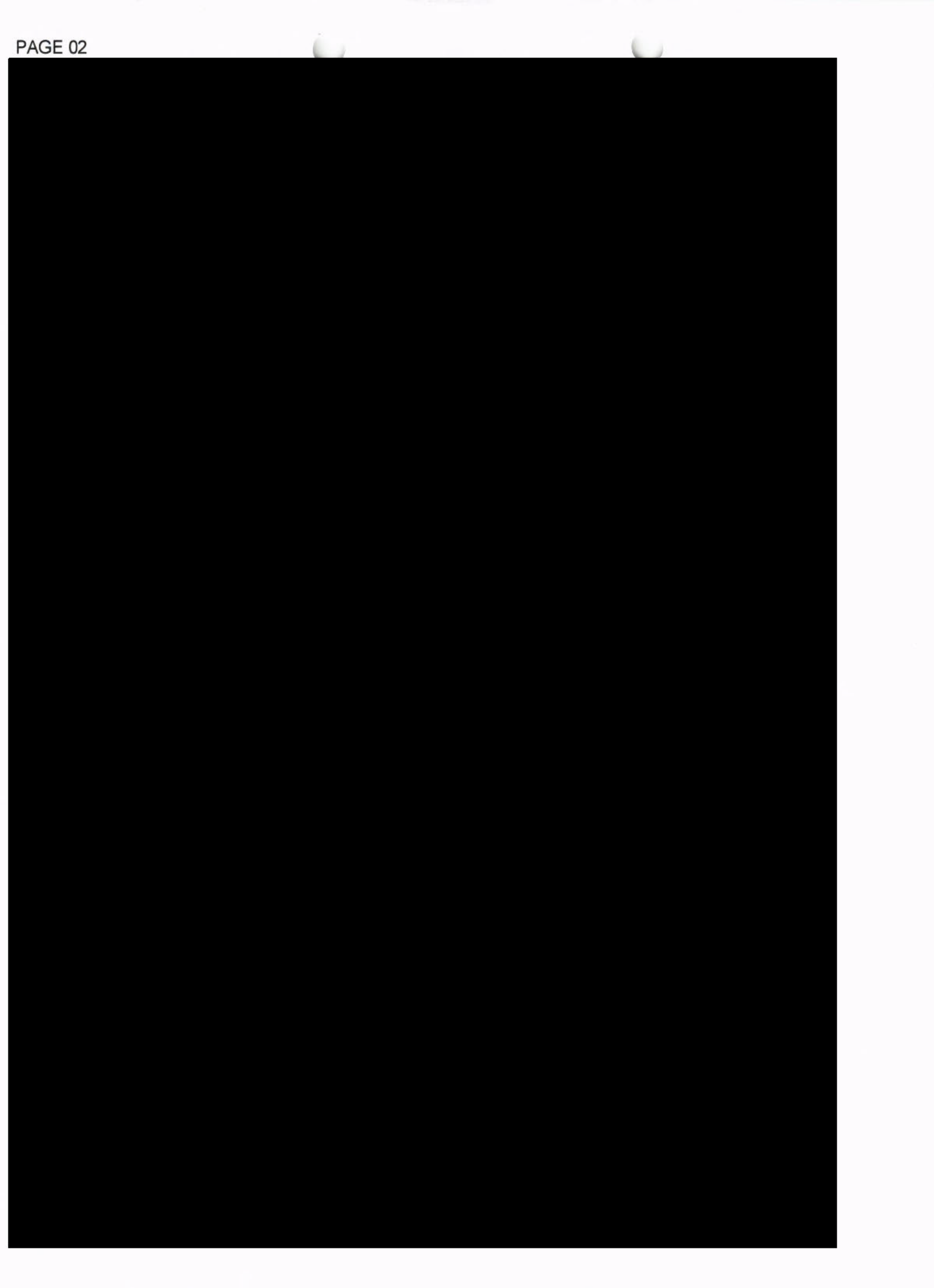
[redacted]

[redacted]

[redacted]

PAGE 01 06/05/23 14:19:52 IAP1 PR REQUESTED BY TERMINAL IA01
TO: IA01 FROM: CCHRS CJRAPSHT 06/05/23 14:19:12

[redacted]



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

END OF TRANSCRIPT